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CODE
OF
PUBLIC INSTRUCTION

OF THE
PROVINCE OF QUEBEC ²⁰/₂₀₅₆

COMPRISING
THE SCHOOL LAW
WITH NOTES OF NUMEROUS JUDICIAL DECISIONS THEREON
AND
THE REGULATIONS OF THE PROTESTANT COMMITTEE
OF THE COUNCIL OF PUBLIC INSTRUCTION.

COMPILED BY
PAUL DE CAZES
SECRETARY OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

TRANSLATED BY
JOHN AHERN.

SECOND EDITION.

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WM. DRYSDALE & CO., BOOKSELLERS AND STATIONERS.

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LIST OF ABBREVIATIONS.

-
- C. C.—Circuit Court.
 C. Q. B.—Court of Queen's Bench.
 C. R.—Court of Review.
 D. C. A.—Decisions of the Court of Appeal.
 D. S. C. R.—Digest Supreme Court Reports.
 L. C. J.—Lower Canada Jurist.
 L. C. R.—Lower Canada Reports.
 L. N.—Legal News.
 M. C.—Magistrates' Court.
 M. C. R.—Montreal Condensed Reports.
 M. L. R.—Montreal Law Reports.
 M. L. R. Q. B.—Montreal Law Reports, Queen's Bench.
 M. L. R. S. C.—Montreal Law Reports, Superior Court.
 Q. L. R.—Quebec Law Reports.
 R. C.—Revue Critique.
 R. L.—Revue Légale.
 R. C. C.—Regulations of the Roman Catholic Committee.
 R. de L. et de J.—Revue de Législation et de Jurisprudence.
 R. P. C.—Regulations of the Protestant Committee.
 R. S. Q.—Revised Statutes of the Province of Quebec.
 S. C.—Superior Court.
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SCHOOL LAW:

CHAPTER FIRST.

INTERPRETATIVE AND DECLARATORY.

SECTION I.

INTERPRETATIVE.

1. In this law the following words, terms and expressions, wherever found therein, have the sense, meaning and application assigned to them, respectively, by this article: R. S. Q., art. 1860.

1. The terms "schools," "common schools," and "public schools," designate elementary schools, model schools, academies and every school under the control of school commissioners or trustees. R. S. Q., art. 1860, § 1;

2. The terms "superintendent of education" and "superintendent, apply to the superintendent of Public Instruction. R. S. Q., art. 1860, § 2;

3. The term "teacher" or "professor" applies to female teachers and to all persons, whether lay or religious, teaching in virtue of this law.* R. S. Q., art. 1860, § 3;

* Teachers are exempt from serving as jurors. Art. 2621, R. S. Q.
Held :—That the salary of teachers is exempt from seizure.
Roy vs. Coderre and the School Commissioners of St. Ours and Meilleur, T. S. C. Q. B., 1848, Judges Rolland, Day, and Smith.
—M. C. R., p. 73, 2nd edition, and *Lovejoy vs. Campbell*. S. C., Montreal, 1834, Judge Loranger.—L. N., vol. 7, p. 397.

4. The terms "religious majority" and "religious minority" mean the Roman Catholic or Protestant majority or minority, as the case may be. R. S. Q., art. 1860, § 4;

5. The term "school municipality" means any territory erected into a municipality for the support of schools under the control of school commissioners or trustees. R. S. Q., art. 1860, § 5;

6. The term "school corporation" means indifferently corporations of commissioners or of trustees. R. S. Q., art. 1860, § 6;

7. The term "rate-payer" means any proprietor, lessee, occupant, inhabitant or other individual who, by reason of the taxable property which he owns or occupies in a municipality, is liable for the payment of school taxes. R. S. Q., art 1860, § 7;

Held:—That art. 628 of the "Code of Civil Procedure," which declares the salaries of teachers to be exempt from seizure, does not apply to a person employed as a private tutor and who, as such, travels with his pupil. *Lafricain vs. Villeneuve*. S. C., Montreal, 1881, Judge Johnson.—L. N., vol. 4, p. 54.

Held:—That the appellants (an institution incorporated for educational purposes) were legally responsible for the death of respondent's husband; he having been killed by the bursting of a cannon, which accident was due to the imprudence and incapacity of two pupils of the institution, who fired the cannon, on the appellants' grounds and under the *surveillance* of one of the directors of the institution. *Clercs Paroissiaux de St. Viateur vs. Labelle*. C. Q. B., Montreal, 1879.—L. N., vol. 2, p. 83, confirming judgment of S. C., Judge Torrance, 1877.—L. N., vol. 1, p. 63.

Held:—That an action, taken under the Lessor and Lessee Act (art. 887 and following of the Code of Civil Proc.) to eject a teacher, to whom over and above her salary, the privilege of dwelling in the school house had been granted, and who continued to occupy it, against the will of the Commissioners, after the termination of her engagement, could not be maintained for want of jurisdiction, there being no lease expressed or presumed. *School Com. St. David vs. De Varenne*, C. C., Quebec, 1878, Judge Caron.—Q. L. R., vol. 4, p. 206.

8. The terms "valuator" and "assessor" mean any person appointed by school commissioners or trustees or by the Lieutenant-Governor in Council to value the taxable property of the school municipality. R. S. Q., art. 1860, § 8 ;

9. The term "guardian" means :

1. The guardian appointed to a seizure,

2. Any person who has the care or control of one or more children of school age. R. S. Q., art. 1860, § 9 ;

10. The terms "auditor" and "verifier" mean any person appointed by school commissioners or trustees, the superintendent, or the Lieutenant-Governor in Council to revise or examine the accounts or financial statements of secretary-treasurers. R. S. Q., art. 1860, § 10 ;

11. The term "audit" means the examination or revision of the accounts of secretary-treasurers by an auditor or verifier, the production of vouchers in support of such accounts, and the report made by such auditor or verifier. R. S. Q., art. 1860, § 11 ;

12. The terms "school office" or "school duties" mean all offices or duties filled or performed by persons charged with the enforcement of this law. R. S. Q., art. 1860, § 12 ;

13. The term "taxable property" means and includes the real property liable for school taxes. R. S. Q., art. 1860, § 13 ;

14. The term "absent" means all persons whose domicile is without the limits of the school municipality ; nevertheless, any person, corporation, railway or other company, which has any place of business whatsoever within the municipality, shall be deemed present or domiciled in such municipality ; but such person is not eligible for the position of school commissioner or trustee. R. S. Q., art. 1860, § 14 ;

15. The term "school year" means the twelve months from the first of July of one year to and including the thirtieth of June of the next year. R. S. Q., art. 1860, § 15;

16. The term "month" means a calendar month. R. S. Q., art. 1860, § 16.

SECTION II.

DECLARATORY.

§ 1.—*Quorum of School Corporations.*

2. The quorum of any corporation, board or body constituted under this law shall, unless otherwise provided, be an absolute majority of all the members thereof. R. S. Q., art. 1861.

3. The majority of the members present at any meeting regularly held, at which there is a quorum, may validly exercise all the powers of the corporation. R. S. Q., art. 1861.

§ 2.—*Similarity of the powers and duties of School Commissioners and Trustees.*

4. Any powers given to or any obligation imposed upon school commissioners also apply to trustees of dissentient schools in reference to the schools and school districts under their control. R. S. Q., art. 1862.

§ 3.—*Documents signed by Superintendent and Secretaries.*

5. All documents, whether originals or copies, signed or certified by the superintendent of Public Instruction, shall be *prima facie* evidence of the truth of what is therein stated. R. S. Q., art. 1863.

6. All documents, whether originals or copies, signed by a secretary or assistant secretary of the Department of Public Instruction, shall be authentic, and shall make proof of their contents without it being necessary to prove the signature. R. S. Q., art. 1864.

§ 4.—*Appointments by the Lieutenant-Governor.*

7. No failure to elect any officer, or to levy any tax, shall prevent the execution of any provision of this law, which shall, in any such case, be carried into effect by the Lieutenant-Governor, by means of the superintendent of Public Instruction, and of school commissioners or trustees, valuator, teachers and other functionaries, authorized to that end by law. R. S. Q., art. 1865, as amended by 53 Vict., chap. 27, art. 11.

8. In the case of the preceding article, commissioners or trustees may be appointed by the Lieutenant-Governor, at the instance of the superintendent of Public Instruction. They shall have the right of appointing valuator, teachers, and other officers, all of whom, in their several capacities, shall have respectively all the rights, powers and authority, which, under this law, would have been possessed by the persons who ought to have been elected or to have acted under the like names of office or with similar functions, and shall have the same duties and be liable to the same penalties. R. S. Q., art. 1866, as amended by 53 Vict., chap. 27, art. 11.

9. Whenever school commissioners or trustees are appointed by the Lieutenant-Governor, the school commissioners or trustees, previously in office, shall, from the date of such appointment, cease to possess any power or to act as such; so also shall all valuator and other officers appointed by, or acting under them. R. S. Q., art. 1867, as amended by 53 Vict., chap. 27, art. 11.

10. The Lieutenant-Governor may, at all times, and as often as he deems it necessary to do so, annul the appointment of commissioners or trustees made by him and that of the other officers acting under them, and may appoint other commissioners or trustees in their stead, who shall proceed to appoint officers to perform the duties pertaining to their office, and, during their incumbency in the said office, to do all those things which their predecessors have neglected or refused to do.* R. S. Q., art. 1868, as amended by 53 Vict., chap. 27, art. 11.

§ 5.—*Public Notices.*

11. The publication of a public notice for school purposes is made by posting up a copy of such notice at two different places in the municipality, from time to time indicated by resolution of the school corporation. R. S. Q., art. 1869.

12. In default of localities indicated by the school corporation, the public notice must be posted upon or near the principal door of at least one place of public worship, if any there be, and at some other place of public resort, in such municipality. R. S. Q., art. 1869.

13. In either case, if there is a Roman Catholic church in the municipality, the notice must be posted upon or near the principal door of such church. R. S. Q., art. 1869.

14. The school corporation may also, by resolution, fix one or more localities in the municipality, or in a neighboring city, town or village municipality, if such city, town or village municipality forms part of the

**Held.*—That the Lieutenant-Governor in Council may annul the appointment of a school commissioner (or trustee) by him made and may appoint another commissioner (or trustee) in his stead. *Bertrand vs. Lalonde*, S. C. Terrebonne, 1883, Judge Bélanger.—L. N., vol. 6, p. 365.

same parish or of the same township, in which any public notice must be read out aloud, in a distinct manner, on the Sunday next following the day on which the same was published, at the close of divine service, if such service has been held.

The omission to read such notice does not invalidate the publication of the notice, but the persons who were bound or who undertook to read it thereby incur a penalty of not less than two or more than ten dollars. R. S. Q., art. 1870.

15. Every time a notice is ordered to be published in one or more newspapers, such notice must be inserted in newspapers published at least once a week in the county, if any there be, if not, in newspapers of the district, or of the neighboring district if no newspapers are published in the first district.

The same rule applies when such notice must appear in two newspapers published in different languages. R. S. Q., art. 1871.

16. No notice can be inserted in English and in French in a newspaper published in one of these languages only. R. S. Q., art. 1872.

17. Every public notice convening any public meeting or for any object whatever, must be given and published seven clear days before the day appointed for such meeting or other proceeding, except in cases otherwise provided for. R. S. Q., art. 1873.

18. Public notices are applicable to and binding upon proprietors or rate-payers domiciled out of the municipality, in the same manner as they are upon residents, except in cases otherwise provided for. R. S. Q., art. 1874.

§ 6.—*Teaching of Drawing in Schools.*

19. Drawing shall, as far as possible, be taught in all schools. R. S. Q., art. 1875.

20. The Council of Arts and Manufactures, in addition to the regulations which it is authorized to make by law, shall further make regulations for the establishment of a system of teaching drawing in all its branches, and cause it to be followed in the schools under the control of school commissioners and trustees. The council shall determine the manner and method to be followed in teaching drawing, shall approve the text-books, drawing-books, maps or plans to be used in each school for that purpose, and, as far as possible, make such system uniform.

Such regulations shall be submitted to the approval of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be. After they have been approved, the superintendent shall cause them to be published in the Quebec Official Gazette, and they shall then come into force. R. S. Q., art. 1876.

§ 7.—*School Exhibitions.*

21. The Lieutenant-Governor in Council may, on the recommendation of the Council of Public Instruction, or on the report of the superintendent, make, adopt and promulgate regulations for holding, establishing, directing and maintaining school exhibitions, and may appoint one or more commissioners for that purpose, whose duty it shall be to obey the instructions given by the Lieutenant-Governor in Council.

Such regulations shall be published in the Quebec Official Gazette. R. S. Q., art. 1877.

§ 8.—*Holidays in Schools.*

22. Saturday is declared to be a holiday in every school under the control of commissioners or trustees

unless a regulation to the contrary be adopted by the commissioners or trustees and approved by the superintendent; but such regulations may, at any time, be repealed by the superintendent, or by the commissioners or trustees after notice duly given by the latter to the superintendent. R. S. Q., art. 1878.

23. The Roman Catholic and Protestant Committee may, with the approval of the Lieutenant-Governor in Council, fix the other holidays in the schools under their respective control. R. S. Q., art. 1878.

§ 9.—Forms.

24. The forms inserted in this law form part thereof and are sufficient for all cases for which they are proposed. Any other form to the like effect may also be employed. R. S. Q., art. 1879.

§ 10.—Accounts to be submitted to the Legislature.

25. An account of all moneys expended under the authority of this law during each fiscal year shall be laid before both Houses of the Legislature, within the first fifteen days after the opening of the then next session thereof. R. S. Q., art. 1880.

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CHAPTER SECOND.

DEPARTMENT OF PUBLIC INSTRUCTION.

SECTION I.

GENERAL PROVISIONS.

26. The Department of Public Instruction forms part of the Civil Service of the Province, and the Lieutenant-Governor in Council designates the officers of the Department who shall be members of the Board of Examiners for the Civil Service. R. S. Q., art. 1881.

SECTION II.

STAFF OF THE DEPARTMENT.

§ 1.—*Appointment of Superintendent and other Officers.*

27. A superintendent of Public Instruction is appointed by the Lieutenant-Governor in Council.

He has charge of the Department of Public Instruction.

He holds his office during pleasure.

He gives security in the sum of eight thousand dollars in conformity with section fourth of chapter third of title third of the Revised Statutes of the Province of Quebec respecting the security to be given by public officers.

The salary of the superintendent is four thousand dollars per annum. R. S. Q., art. 1882.

28. Two secretaries of the Department of Public Instruction may be appointed, as may also all other

officers required for the due administration of the laws respecting public instruction. R. S. Q., art. 1883.

29. The secretaries, as deputy-heads of the Department, have, under the direction of the superintendent, the general control of matters connected therewith, and exercise the powers and duties assigned to them by the Lieutenant-Governor in Council. R. S. Q., art. 1884.

30. In the absence of the superintendent, they may suspend any employee of the Department who refuses or neglects to obey their orders, or whose conduct they may deem blameworthy. They shall report such suspension to the head of the Department. R. S. Q., art. 1884.

§ 2.—*Powers and duties of Superintendent.*

31. The superintendent possesses all the powers, functions, rights and obligations conferred or imposed upon him by the various articles enacted in this law and the provisions of the Revised Statutes of the Province of Quebec respecting his office. R. S. Q., art. 1885.

32. The superintendent, in the exercise of his functions, is bound to comply with the directions of the Council of Public Instruction, or with those of the Roman Catholic or Protestant Committee, as the case may be. R. S. Q., art. 1886.

33. In case the superintendent is absent from the Province, or in case of continued illness, he may delegate to one of the secretaries of the Department, the powers conferred upon him by law. R. S. Q., art. 1887.

34. The superintendent is, *ex-officio*, president of the Council of Public Instruction, member of each of the two Committees thereof, visitor-general of all public schools, member of the Council of Arts and

Manufactures, and visitor of the schools of arts and manufactures. R. S. Q., art. 1888.

35. The superintendent, and,—if the superintendent delegates the power to them—the secretaries of the Department of Public Instruction and school inspectors have power to hold inquiries, to summon before them and administer oaths to all persons, witnesses or parties, in all inquiries or difficulties whatsoever which may arise in reference to schools or school-houses, in the same manner and to the same effect as if such powers had been specially conferred upon them by the Lieutenant-Governor; the whole in accordance with chapter second of title third of the Revised Statutes of the Province of Quebec, respecting inquiries concerning public matters, which shall apply to such inquiries and to all those which the superintendent and each of the Committees of the Council of Public Instruction may order.

When the investigation is held at the request of one or more rate-payers, the superintendent may require the person, who applies for the same, to deposit an amount sufficient to cover the expenses. R. S. Q., art. 1889.

36. The superintendent shall compile and publish statistics and information, respecting educational institutions, public libraries, and art, literary and scientific societies, and in general respecting all subjects connected with literary and intellectual progress. R. S. Q., art. 1890.

37. The superintendent shall draw up, in accordance with the directions of the Council of Public Instruction or of the Committees thereof, a detailed statement of the sums required for public instruction, and submit the same annually to the Government. R. S. Q., art. 1891.

38. It is specially the duty of the superintendent:

1. To receive from the Provincial Treasurer, in addition to the amounts appropriated for superior education, all sums of money appropriated for public school purposes, and to distribute the same among the school commissioners and trustees of the respective municipalities, according to law, and in proportion to the population of the same, as ascertained by the then last census;

2. To prepare and cause to be printed and distributed all necessary forms;

3. To prepare and cause to be printed recommendations and advice on the management of schools, for the school commissioners and trustees, and for the secretary-treasurers and teachers;

4. To keep correct books and distinct schedules of all the matters under his superintendence and control, so that all requisite information may be clearly and promptly obtained by the Government, the Legislature, or the school visitors;

5. To examine and control the accounts of all persons, corporations and associations accountable for any public moneys appropriated and distributed under the laws relating to schools, and to report whether the said moneys are *bonâ fide* applied for the purposes for which they were granted;

6. To lay annually before the three branches of the Legislature a detailed report of the actual state of education in the Province, tables of schools, numbers of children attending them, and other like matters;

7. To state in his yearly report to the Legislature, what he has done with the amounts voted for education during the period to which such report relates;

8. To perform all the duties assigned to him by this law, and further such duties as the Lieutenant-Governor in Council may see fit to assign to him respecting:

a. The establishment or encouragement of art, literary or scientific societies ;

b. The establishment of libraries, museums or picture galleries, by such societies, by the Government, or by institutions receiving Government aid ;

c. The support of competitions and examinations, and the distribution of diplomas, medals, or other marks of distinction, for artistic, literary or scientific labors ;

d. The establishment of schools for adults, and the instruction of workmen and artisans ;

e. All which in general relates to the support and encouragement of arts, letters and science .

f The distribution of the funds placed at his disposal by the Legislature for each such purpose R S. Q, art. 1892.

CHAPTER THIRD

COUNCIL OF PUBLIC INSTRUCTION AND COMMITTEES THEREOF, SCHOOL INSPECTORS SCHOOL VISITORS AND BOARDS OF EXAMINERS

SECTION I.

COUNCIL OF PUBLIC INSTRUCTION AND COMMITTEES THEREOF.

§ 1.—*Composition of the Council of Public Instruction.*

39. The Council of Public Instruction is composed of Roman Catholic and Protestant members, as follows :

1. The bishops, ordinaries, or administrators of the

Roman Catholic dioceses and apostolic vicariates, situated either in whole or in part in the Province, who are members *ex-officio*;

2. An equal number of Roman Catholic laymen appointed by the Lieutenant-Governor in Council;

3. A number of Protestant members, equal to the number of Roman Catholic members appointed by the Lieutenant-Governor in Council, who are appointed in the same manner. R. S. Q., art. 1893.

40. The Council of Public Instruction is divided into two Committees, the one consisting of the Roman Catholic and the other of the Protestant members thereof. R. S. Q., art. 1894.

41. The superintendent is a member of the Council of Public Instruction and *ex-officio* the chairman thereof. In the case of the absence or sickness of the superintendent, the Council shall appoint one of its members present to act as chairman of the meeting.

The superintendent is also *ex-officio* a member of each Committee, but he is entitled to vote only in the Committee to which he, by religion, belongs. R. S. Q., art. 1895.

42. The members of the Council who are appointed as such hold office during pleasure.

In the discharge of their duties, they are subject to the lawful orders and directions of the Lieutenant-Governor in Council. R. S. Q., art. 1896.

43. The two secretaries of the Department of Public Instruction are joint secretaries of the Council. They shall enter its proceedings in a book kept for that purpose and shall, as they may be directed, procure all maps, books and stationery, and keep the accounts of the Council. R. S. Q., art. 1897.

44. The expenses attending the acts and proceedings of the Council are defrayed and accounted for by the superintendent as part of the contingent expenses

of the Department of Public Instruction. R. S. Q., art. 1898.

§ 2.—*Meetings of the Council and of the Committees thereof.*

45. The superintendent shall provide a suitable place for the meetings of the Council. He may call a special meeting of the Council at any time by giving due notice to his colleagues. R. S. Q., art. 1899.

46. The Council fixes its quorum and also a particular quorum for special meetings held in virtue of the provisions respecting the cancelling of teachers' diplomas and inquiries into the conduct of school inspectors. R. S. Q., art. 1900.

47. Each Committee shall have its sittings or meetings separate, and it may fix the period and number thereof.

It shall establish its quorum, settle the mode of procedure at its meetings, appoint a chairman and secretary, and revoke such appointments at pleasure. R. S. Q., art. 1901.

48. The chairman of the Council and of each Committee thereof shall have, on all questions in which the votes are equal, a second or casting vote. R. S. Q., art. 1907.

49. It shall be the duty of the secretary of each Committee :

1. To keep a record of its proceedings in a register, and conduct the correspondence of his own particular Committee ;

2. To report to his own Committee all documents coming into his hands or matters within his notice, which lie within the jurisdiction of his particular Committee ;

3. To deposit, among the archives of the Department of Public Instruction, such record of proceedings,

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50. The members of the Protestant Committee may associate with themselves five persons to assist them in their labors, and the Provincial Association of Protestant teachers may, each year, at their annual meeting, elect one of their members to be also an associate member of the Protestant Committee.

Such persons shall not form part of the Council of Public Instruction, but shall have, in the Protestant Committee, the same powers as the ordinary members of such Committee. R. S. Q., art. 1903, as amended by 32 Vict., chap. 23, art. 1.

51. Special meetings of each of such Committees may be convened by the chairman or by the superintendent.

Such meetings are held after notice given to each member of the Committee, at least eight days in advance. R. S. Q., art. 1904.

52. If two or more members of either Committee require, in writing, the superintendent or chairman of their respective Committee, to convene a special meeting of such Committee, it shall be the duty of the superintendent or of the chairman to convene it, in the manner prescribed by the preceding article. R. S. Q., art. 1905.

53. The superintendent shall also call a special meeting of the Council of Public Instruction by giving the notice above mentioned, when required so to do by the Lieutenant-Governor in Council or by either Committee. R. S. Q., art. 1906.

54. Each Roman Catholic bishop, vicar apostolic, or administrator of a Roman Catholic diocese, if unable through illness or absence from the Province to be present at the meetings of the Council, or at those of the Committee of which he forms part, may appoint a delegate to represent him, and such delegate shall have

all the rights of the person appointing him. R. S. Q., art. 1908.

55. The Council and each of the Committees thereof may appoint sub-committees, or may appoint one or two delegates, for the consideration of all affairs submitted to them; every such delegate and sub-committee shall make a report of their proceedings to the Council or to the Committee which appointed them. R. S. Q., art. 1909.

56. The matters and things which by law belong to the said Council shall be referred to it, in so far as they shall specially affect the interests of both Roman Catholic and Protestant education, and in such manner and form as the whole shall from time to time be determined by the Lieutenant-Governor in Council on the report of the superintendent of Public Instruction. R. S. Q., art. 1910.

57. Everything within the scope of the functions of the Council of Public Instruction, which specially concerns the schools and public instruction generally of Roman Catholics, shall be within the exclusive jurisdiction of the Roman Catholic Committee of such Council. In the same manner, everything within the scope of such functions, which specially concerns the schools and public instruction generally of Protestants, shall be within the exclusive jurisdiction of the Protestant Committee. R. S. Q., art. 1911.

§ 3.—Powers and duties of the Council and of the Committees thereof.

58. It shall be the duty of the Council of Public Instruction, or of the Roman Catholic and Protestant Committees respectively, according as the provisions of the preceding articles may require, with the approval of the Lieutenant-Governor in Council :

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1. To fix the time of their meetings and the mode of proceeding ;

2. To make regulations respecting normal schools ;

3. To make, from time to time, regulations for the organization, government and discipline of public schools, and for the classification of schools and teachers ;

4. To select and cause to be published, due regard being had in such selection to schools in which the teaching is in French and to those in which the teaching is in English, text-books, maps and globes to be used, to the exclusion of all others, in the elementary schools, model schools and academies under the control of school commissioners or trustees.

This provision shall not extend to the selection of books having reference to religion or morals, which selection shall be made as provided by paragraph 4 of article 224 ;

5. To acquire the copyright of books, maps, pieces of music or other publications, whether originals, copies or compilations, published under their direction for the use of schools in the Province ;

6. To cause to be inserted by the superintendent, in a book to be kept for that purpose, in such manner and form as they may direct, the names and grades and classes of all teachers who have received diplomas from the boards of examiners, also the names of all teachers who, after having gone through the regular course of instruction in any normal school, have received diplomas from the superintendent.

To ensure compliance with this provision, it shall be the duty of the superintendent to cause to be laid, from time to time, before the Council, the names and classification of all persons admitted as teachers by the different boards of examiners since their establishment to the date of such statement, and the names of all

teachers who have received from him diplomas after going through the proper course of instruction in any normal school. R. S. Q., art. 1912.

§ 4.—Powers of the Committees respecting Boards of Examiners.

59. The Roman Catholic or Protestant committee may make regulations for the government, management, division or subdivision of boards of examiners of the religious faith of such Committee; and such regulations shall come into force after having been sanctioned by the Lieutenant-Governor in Council and published in the Quebec Official Gazette. R.S.Q., art. 1913.

60. With the approval of the Lieutenant-Governor in Council, each of the Committees of the said Council of Public Instruction may change the time of meeting of boards of examiners, and fix the date at which each of the said boards shall hold its meetings, in such manner as it may deem proper.

The superintendent shall cause such alterations to be published in the Quebec Official Gazette. R. S. Q., art. 1914.

§ 5.—Powers of the Committees respecting the cancelling of teachers' diplomas, and inquiries into the conduct of school inspectors.

1.—RESPECTING THE CANCELLING OF TEACHERS' DIPLOMAS.

61. For bad conduct, immorality or intemperance, the Roman Catholic or Protestant Committee, as the case may be, may revoke any diploma granted by any board of examiners to any teacher, or granted to any

student of any normal school by the superintendent. R. S. Q., art. 1915.

62. Such revocation cannot take place except upon an accusation in writing against the teacher, made by one or more persons and addressed to the Committee of the Council of Public Instruction of the religious faith of such teacher, or contained in the report of a school inspector made to the superintendent. R.S.Q., art. 1916.

63. In either of the cases mentioned in the preceding article, the superintendent shall send a copy of the complaint or of the report to the teacher accused, requiring him to appear before him at the Department of Public Instruction, at Quebec, or at any other place named by him, within eight days at least from the date of the service upon him by a bailiff, of the said accusation or report, to declare whether he admits or denies the charges brought against him; and the superintendent shall receive such admission or denial, which shall be made in writing. R. S. Q., art. 1916, as amended by 53 Vict., chap. 27, art. 1.

64. The superintendent shall submit the documents mentioned in the preceding article at the next meeting of the Committee of the religious faith to which the accused teacher belongs.

If the Committee decides that an investigation shall be held, it shall hear the witnesses who shall be sworn by the chairman, or, in the contrary case, the Committee dismisses the accusation.

The said documents may also be submitted to a special or permanent sub-committee named by the Roman Catholic or Protestant Committee, as the case may be, which shall have the same powers as the Committee which named it. R. S. Q., art. 1917.

65. If the Roman Catholic or Protestant Committee, or the special or permanent sub-committee, as the case may be, decides that the investigation should be

held in the locality of, or in the immediate neighborhood of the locality of, the persons interested and of the witnesses, it may appoint one or more commissioners to take the evidence of witnesses. R. S. Q., art. 1918.

66. The document appointing the commissioners shall issue from either Committee or from the said sub-committee, and shall be signed by the secretary of the Roman Catholic or Protestant Committee, as the case may be. R. S. Q., art. 1919.

67. The commissioner or commissioners shall notify the parties of the time at which they will have to produce their witnesses.

The commissioner or commissioners shall swear the witnesses, and the evidence shall be taken and afterwards transmitted by him or them to the secretary, who shall lay it before the Committee. R. S. Q., art. 1920.

68. If the teacher do not appear, or if he neglect to answer the charge, the Committee or sub-committee, as the case may be, shall proceed by default against him, and shall receive and take the evidence, or cause it to be received and taken, in the manner provided in the preceding articles. R. S. Q., art. 1921.

69. If the charge be not proved, the Committee shall dismiss it, and if it be proved, the Committee shall order as a penalty that the diploma of such teacher be revoked, and that his name be struck from the book containing the names of qualified teachers. R. S. Q., art. 1922.

70. The costs shall be recovered, by action at law, against the losing party, in the name of the superintendent.

The certificate of the commissioners establishing the amount of these costs shall be sufficient proof of their being due. R. S. Q., art. 1923.

71. After the lapse of two years from his dismissal, any teacher whose diploma has been revoked, who establishes to the satisfaction of the Committee which dismissed him, that his conduct, both as regards morals and temperance, has been satisfactory, and that he has completely satisfied the judgment to which he was condemned, and who obtains a certificate to that effect from the Committee, may recommence and continue to exercise his functions in virtue of his diploma, which then shall have the same validity as before his dismissal. R. S. Q., art. 1924.

72. A diploma may be revoked a second time for the causes mentioned in article 61, if they recur; such second revocation is irrevocable, and such teacher cannot thereafter exercise the functions of a teacher. R. S. Q., art. 1925.

II.—RESPECTING INQUIRIES INTO THE CONDUCT OF SCHOOL INSPECTORS.

73. The Roman Catholic or the Protestant Committee, as the case may be, for the causes mentioned in the preceding articles of this subsection, and after having followed, in so far as applicable, the same formalities, upon complaint to that effect, may cause an inquiry to be held into the conduct of any inspector of schools accused of bad conduct, immorality or intemperance, or serious neglect in the execution of his duties.

After such inquiry, such Committee shall forward all the documents to the Lieutenant-Governor in Council praying, if there be occasion, for the dismissal of such inspector and the cancelling of his commission.

If an inspector be thus dismissed, he cannot afterwards hold office. R. S. Q., art. 1926.

§ 6—*Powers of the Committees respecting Text-Books.*

74. Each Committee shall prepare and revise, from time to time, a list of text-books, maps, globes, models, and other articles for use in the schools. R. S. Q., art. 1927.

75. The list of authorized text-books shall be revised once in every four years, and the changes made therein shall be published by the superintendent in the Quebec Official Gazette. R. S. Q., art. 1928.

76. Any text-book excluded from the list of authorized text-books shall not be withdrawn as a text-book until after one year from the revision of such list. R. S. Q., art. 1928.

77. The superintendent shall retain the grant of any municipality which allows text-books, not entered on the authorized list, to be used in its schools. R. S. Q., art. 1929.

78. All text-books and all works, entered on such list, may become the property of the Roman Catholic or Protestant Committee of the Council of Public Instruction, in consideration of an indemnity to the proprietors thereof, fixed by the Lieutenant-Governor in Council. R. S. Q., art. 1930.

79. Any contestation as to the amount of the indemnity mentioned in the preceding article shall be referred to three arbitrators appointed, one by the superintendent, another by the owner of the work, and the third by the two first arbitrators, and the award of such arbitrators shall be final. R. S. Q., art. 1930.

80. Every person shall have the right to print, publish and sell the works entered on the said list, the property of either Committee, by paying, every five years to the superintendent, a sum of ten dollars for each work, and when he has paid such sum, he shall

have free access to the work, to copy the same, in the Department of Public Instruction, and if the work be printed, the superintendent shall deliver a copy thereof to any person who wishes to print it. R. S. Q., art. 1931.

81. The form, paper, type, binding and mechanical execution of such books shall be determined by the superintendent. R. S. Q., art. 1932.

82. In case any abuse arises from a combination of booksellers to raise the price of text-books, the Roman Catholic or Protestant Committee of the Council of Public Instruction may fix a maximum price for such works. R. S. Q., art. 1933.

§ 7.—*Miscellaneous.*

83. An appeal lies by summary petition, signed by the persons interested or by their attorney, from the decisions of the superintendent, to the Council of Public Instruction, or to one of the Committees thereof, whenever the said persons interested have no recourse before the courts, and the law does not declare the decisions of the superintendent to be final.

The Council of Public Instruction and either Committee thereof shall make regulations respecting appeals subject to their respective jurisdictions, and establish such fees as they deem expedient to cover the costs of such appeals.

Such regulations and tariff shall be published in the Quebec Official Gazette, and shall be obligatory. R. S. Q., art. 1934.

84. In cases where the decision of the superintendent refers to a difficulty between Roman Catholics and Protestants, the appeal lies to the Council of Public Instruction; in the case of a difficulty between persons of the same religious faith, the appeal is within

the jurisdiction of the Committee of the said Council which represents that faith. R. S. Q., art. 1935.

85. Each of the Committees of the Council of Public Instruction may receive by donation, legacy, or otherwise by gratuitous title, money or other property, and may dispose of the same in its discretion, for the purposes of education.

Each Committee shall, in respect of property so acquired, possess all the powers of a body politic and corporate. R. S. Q., art. 1936.

86. In the event of any person making a legacy to the Council of Public Instruction, without stating the Committee for which he designed the same, the legacy shall belong to the Committee of the faith, to which, at the time of his death, the testator belonged. R. S. Q., art. 1937.

87. If the testator belonged neither to the Roman Catholic faith, nor to the Protestant faith, the legacy shall be divided between the two Committees, in the proportion of the Roman Catholic and Protestant populations of the Province. R. S. Q., art. 1938.

88. The sums of money granted to Roman Catholics or Protestants, for the purposes of public instruction, and not expended, shall remain at the credit and disposal of the Committee which had the control thereof. R. S. Q., art. 1939.

89. School inspectors, professors, directors and principals of normal schools, the secretaries, and the members of boards of examiners, shall be appointed or removed by the Lieutenant-Governor in Council, on the recommendation of the Roman Catholic or Protestant Committee of the Council of Public Instruction, according as such appointments or removals concern Roman Catholic or Protestant schools. R. S. Q., art. 1940.

90. The Roman Catholic or Protestant Committee,

as the case may be, may cause inquiries to be made into all questions concerning public instruction which come under their respective control R. S. Q., art. 1941.

SECTION II.

SCHOOL INSPECTORS.

91. The Lieutenant-Governor may, on the recommendation of either Committee of the Council of Public Instruction, appoint, from time to time, and for such period as he deems necessary, in each judicial district of the Province, one or more inspectors of schools therein, whose duty shall be :

1. To examine the school teachers, schools and school-houses under his or their control in each school municipality ;

2. To inspect the accounts of the secretary-treasurers, and the register of the school commissioners or trustees of every such municipality ;

3. To ascertain whether the provisions of the laws and regulations respecting public instruction are there carried out and obeyed. R. S. Q., art. 1942.

92. Unless otherwise defined or limited by the instrument appointing him, each such inspector shall have all the powers and authority of the superintendent, with reference to such visits and examinations. R. S. Q., art. 1943.

93. No person shall be appointed school inspector unless :

1. He has attained the age of twenty-five years ;
2. He has obtained a diploma for an academy, model school, or elementary school ;
3. He has taught school during at least five years ;
4. He has discontinued teaching not more than five years ;

5. He has been examined before the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, or before a sub-committee or examiners appointed by one of said Committees, upon his fitness and ability to fulfill the duties of the office, the whole in accordance with the regulations which each Committee shall make. The regulations concerning such examination shall be published in the Quebec Official Gazette. R. S. Q., art. 1944.

94 In the performance of his duties each inspector shall comply with the instructions given to him by the superintendent, in accordance with the regulations of the Committee of the Council of Public Instruction of the religious faith to which he belongs. R. S. Q., art. 1945.

95. The secretary-treasurer of each municipality and every teacher of a public school therein shall, under a penalty of eight dollars for every refusal or neglect so to do, on being thereunto requested by any such inspector, exhibit to him all the documents, in their charge, belonging to or in any way relating to their respective offices. R. S. Q., art. 1946.

96. Except in the cases mentioned in article 117, the inspectors are, for the examination of candidates for teacher's diplomas, *ex-officio* members of the Board of Examiners of the religious denomination to which they belong, which are established in their respective districts of inspection. 54 Vict., chap. 21, art. 1. (Replaces R. S. Q., art. 1947.)

97. Each inspector shall be paid such sum as the Lieutenant-Governor in Council deems adequate remuneration for the duties performed by him, but such remunerations shall in no case exceed the rate of twelve hundred dollars per annum. R. S. Q., art. 1948.

98. In all cases in which an inspector is appointed by the superintendent to make an inspection, inquiry

or investigation in any municipality, unless such inspection, inquiry or investigation takes place at the time of the ordinary visit of the inspector to the schools of the municipality, the travelling and other expenses and disbursements of the inspector shall be paid by the party whom, upon the report of the said inspector, the superintendent shall name in his judgment. R. S. Q., art. 1949.

SECTION III.

SCHOOL VISITORS.

99. The public schools established in each municipality, whether in town or country, may be visited, by one of the visitors hereinafter mentioned, as often as they deem it requisite; but no visitors shall be entitled to visit a school belonging to inhabitants not of his own religious faith. R. S. Q., art. 1950.

100. The following persons shall be school visitors for the whole Province:

1st. Members of the two Committees of the Council of Public Instruction;

2ndly. Judges of the Supreme Court, of the Court of Queen's Bench, and of the Superior Court, residing in the Province;

3rdly. Members of the Federal Parliament, residing in the Province;

4thly. Members of the Legislature of Quebec;

5thly. The Secretaries of the Department of Public Instruction;

6thly. The Principals and Professors of Normal Schools.

2. The following persons shall be visitors only for the municipality in which they reside:

1st. Roman Catholic Priests and Protestant Ministers;

2ndly. Members of the Council of Arts and Manufactures;

3rdly. The Mayor and the Justices of the Peace;

4thly. The Colonels, Lieutenant-Colonels, Majors and senior Captains of the militia. R. S. Q., art. 1951.

101. The superintendent, as visitor-general of all public schools, may take cognizance of disputes arising between school commissioners or trustees and teachers, and give a final decision. R. S. Q., art. 1952.

102. School inspectors are *ex-officio* visitors of academies and model schools under the control of school commissioners or trustees in their districts of inspection; and it shall be lawful for any inspector to visit the schools within any district of inspection, other than that assigned to him, on receipt of an order from the superintendent, and to report on such visits, as well as on those made to schools in his own district. R. S. Q., art. 1953.

103. Each visitor shall be entitled:

To be present at examinations made by any board of examiners, and to interrogate the candidates who offer themselves for examination, and to give his opinion.

To have communication of the regulations and other documents relative to each school, and of all other information concerning it. R. S. Q., art. 1954.

SECTION IV.

BOARDS OF EXAMINERS.

§ 1.—*Composition of Boards of Examiners.*

104. There shall be, in each of the cities of Quebec

and Montreal, a board of examiners, composed of fourteen persons, for the examination of candidates for teachers' diplomas.

The Lieutenant-Governor in Council, upon the recommendation of either Committee of the Council of Public Instruction, as the case may be, shall appoint the members of such boards, one-half of whom shall be Roman Catholics, and one-half Protestants, and they shall form a board of examiners to examine candidates for teachers' diplomas, and to deliver or refuse to each, as the case may require, a diploma, after due examination.

The said board shall be divided into two divisions, one of which shall be composed of seven Roman Catholics, and the other of seven Protestants.

Each of such divisions shall separately perform the duties hereinafter imposed upon it. R. S. Q., art. 1955.

105. The Lieutenant-Governor in Council may establish by proclamation, upon the recommendation of either Committee of the Council of Public Instruction, as the case may be, a board of examiners for the examination of candidates for teachers' diplomas in or for any city, town, county or two or more neighboring counties of the Province, and each board of examiners thus constituted shall be known as "The Board of Examiners of (*add name of locality.*)" R. S. Q., art. 1956.

106. The members of the boards of examiners are appointed by the Lieutenant-Governor in Council upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be. R. S. Q., art. 1957.

107. With the exception of those in the cities of Montreal and Quebec, every board of examiners shall be composed of not less than five or more than ten members. Any board may be organized, (if the Lieutenant-Governor in Council, upon the report of either

Committee of the Council of Public Instruction, so orders,) in two divisions, Roman Catholic and Protestant, in which case each division shall separately perform the duties devolving on the board. R. S. Q., art. 1958.

108. All persons desiring to act as teachers under this law or under any special act passed for the encouragement of education, shall, unless provided with a diploma from one of the normal schools of the Province, undergo an examination before one of the said boards of examiners and obtain a diploma. R. S. Q., art. 1959.

109. School commissioners and trustees, and all persons entrusted with the management of schools, shall employ as teachers such persons only as are provided with diplomas as above mentioned, on pain of losing their share of the grants made for the encouragement of education. R. S. Q., art. 1959.

110. Nevertheless, every priest, minister and ecclesiastic, and every person forming part of a religious order instituted for educational purposes or being a member of a religious community of women, shall be exempt from undergoing an examination before any of the said boards. R. S. Q., art. 1960.

111. The boards of examiners established as above shall be governed by the provisions of this section, and by the regulations adopted under articles 59 and 60. R. S. Q., art. 1961.

112. Boards of examiners established before this law came into force are boards of examiners for the purpose of this law. R. S. Q., art. 1961.

§ 2.—Powers and duties of Boards of Examiners.

113. It shall be the duty of each board of examiners:

1. To meet at ten o'clock in the forenoon, on the twentieth day after their nomination, (and this enactment shall be for each member of the said board, a sufficient notification to that effect,) to choose a president, vice-president and secretary, except that if the said twentieth day be a Sunday or holiday they shall meet on the day next thereafter not being a Sunday or holiday.

2. To hold examinations at such times and places and in such manner as may be provided by the regulations of the Roman Catholic or Protestant Committee, as the case may be, for the guidance of boards of examiners, and after due examination to grant or refuse, as the case may require, diplomas to the candidates presenting themselves for examination.

3. To admit to examination no candidate who is not provided with a certificate of good moral character, signed by the *cure* or minister of his own religious faith, and by at least three school commissioners or trustees or school visitors of the locality in which he has resided for the previous six months, and with a certificate of his age, which must be at least eighteen years.

4. To require all candidates for a model or elementary school diploma to pay to the secretary of the said board the sum of two dollars, and, for an academy diploma, the sum of three dollars.

Out of such sum there shall be paid to the secretary of the board the sum of one dollar for filling up, signing and registering such diploma, and the remainder shall be used in paying the expenses of the board of examiners.

Such sums shall not be returned to the candidate who has failed to obtain a diploma, but he may present himself a second time at the next meeting of the board without paying further fees.

5. To deliver to each candidate, deemed worthy, a diploma as a teacher, signed by the president or vice-president and the secretary, sealed with the seal of the board, bearing a date and distinctly indicating:

- a. That the candidate has complied with all the provisions of paragraph 3 of this article;
- b. His age, residence and religious belief;
- c. The grade of the diploma granted;
- d. The language which the diploma authorizes the candidate to teach.

6. To classify the candidates in three grades, namely: elementary, model school, and academy grades.

7. To enter the names and surname of each candidate admitted, as well as the grade to which he belongs.

8. To require, in the course of examination, proof of the following qualifications, namely:

- a. For teachers of elementary schools, such qualifications as will enable them to teach, with success, reading, writing, the elements of grammar, geography, and arithmetic as far as the rule of three, inclusively;
- b. For teachers of model schools, in addition to the foregoing, such qualifications as will enable them to teach grammar, analysis, composition, geography, use of globes, arithmetic in all its branches, the elements of mensuration, book-keeping and linear drawing;
- c. For teachers of academies (besides the qualifications required for the above mentioned two grades of teachers), all the branches of a classical education, inasmuch as they are intended to prepare their pupils for the same;

And for all grades of teachers, such other qualifications as may be required by the regulations passed from time to time by either Committee of the Council of Public Instruction, as the case may be, and approved by the Lieutenant-Governor in Council.

9. To keep a correct list of candidates admitted to the right of teaching.

10. To give notice to the superintendent of the admission of each candidate to the right of teaching, within fifteen days after such admission.

11. To keep or cause to be kept a register of their proceedings, signed, for each meeting, by the president or vice-president, and also by the secretary, who shall be obliged to keep the register of the proceedings of the board, to make a list of candidates admitted to teach, to enter in the register the certificates of age and moral character, to prepare, fill up and address the diplomas, and to do all other writing required.

12. To have a particular seal, and to make use of the forms of diplomas furnished by the superintendent. R. S. Q., art. 1962.

114. The Lieutenant-Governor in Council, upon the report of the superintendent or upon the recommendation of either Committee of the Council of Public Instruction, as the case may be, may, from time to time, modify, as occasion may require, the details of duties imposed on boards of examiners and on the secretaries of such boards.

Every modification of such duties so made shall be binding on all parties interested. R. S. Q., art. 1963.

115. The diplomas granted by a board of examiners to teachers are valid only for the grade of schools for which they were granted, and within the limits which the Lieutenant-Governor in Council may prescribe upon the recommendation of either Committee, as the case may be. R. S. Q., art. 1964.

116. The Roman Catholic or Protestant Committee, by regulation to be approved by the Lieutenant-Governor in Council, may, from time to time, provide in such manner, and under such conditions as may be deemed expedient, for requiring any teacher, holding

any diploma granted by any board of examiners, to submit to examination *de novo*, by such board, and in default of any such teacher doing so, or in case of failure of such teacher thereupon for any cause to obtain a new diploma, the diploma previously granted shall become null and void. R.S.Q., art. 1965.

SECTION V.

CENTRAL BOARD OF EXAMINERS.

117. The Lieutenant-Governor in Council may, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be, constitute by proclamation a Central Board of Examiners for the examination of candidates for teachers' diplomas. R. S. Q., art. 1966.

118. The Central Board shall alone have the right of issuing diplomas valid for the schools under the control of the Committee upon whose recommendation the said Board was constituted. R.S.Q., art. 1966.

119. The Central Board of Examiners shall be composed of five members and a secretary, who shall be appointed by the Lieutenant-Governor in Council, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be. R. S. Q., art. 1967.

120. It shall be the duty of such Board :

1. To prepare the examination questions in the different subjects prescribed ;
2. To submit the examination questions to the candidates at central localities ;
3. To examine the answers given by the candidates, and, after due deliberation, to grant diplomas to the candidates deemed worthy. R.S.Q., art. 1968.

121. The examinations conducted by the Central Board shall be held at such time and place and in

such manner as may be prescribed, from time to time, by the regulations of the Committee upon whose recommendation the Central Board was constituted.

The fees payable by the candidates shall be used towards defraying the expenses of the Central Board. R.S.Q., art. 1969.

CHAPTER FOURTH.

PUBLIC SCHOOLS.

SECTION I.

DIVISION OF THE PROVINCE INTO MUNICIPALITIES AND DISTRICTS FOR SCHOOL PURPOSES.

§ 1.—*School Municipalities.*

122. School municipalities are erected at the request of the interested parties, by an order of the Lieutenant-Governor in Council, upon a report made for that purpose by the Superintendent of Public Instruction.

Such erection, as well as the modifications and divisions of municipalities made in virtue of article 123, do not take effect until the first of July following the date of the order-in-council which provides therefor. 54 Vict., chap. 21, art. 2. (Replaces R.S.Q., art. 1971).

123. The Lieutenant-Governor in Council may alter the limits of existing municipalities for school purposes, subdivide such municipalities or erect new ones. Such alterations, subdivisions or erections shall only take place fifteen days after notice to that effect, given twice in the Quebec Official Gazette, and after the school corporations affected by the proposed changes have been notified and their observations taken into consideration.

If such alterations, subdivisions or erections take place, the Lieutenant-Governor in Council may pro-

vide that the changes so made shall apply to the religious majority only, or to the religious minority only, as the case may require, of the school municipalities affected by such changes, and public notice thereof shall be given by the superintendent in the Quebec Official Gazette. R.S.Q., art. 1973, as amended by 52 Vict., chap. 24, art. 2, and 53 Vict., chap. 28, art. 1.

124. The notices in the Official Gazette are given by the superintendent, at the expense of the parties applying for such alterations, subdivisions or erections. R.S.Q., art. 1973, as amended by 52 Vict. chap. 24, art. 2.

125. There shall be held, in the manner hereinafter provided in each municipality, village, town and city in the Province, one or more public schools for the elementary instruction of youth, under the control of school commissioners, or, in the event of dissentient schools being established therein, under the control of trustees. R.S.Q., art. 1970.

126. The inhabitants of any city, town or village municipality, shall, for the purposes of this law, (unless it is otherwise provided by special act) be subject to the jurisdiction of the school commissioners or trustees, elected for the municipality of which the city, town or village forms part. R.S.Q., art. 1972, as amended by 52 Vict., chap. 24, art. 1.

127. In the case of an erection of a new municipality the rate-payers of the said municipality shall, during the month following the publication of the notice in the Quebec Official Gazette, elect their commissioners or trustees in the manner prescribed in articles 158 and following; if not, such school commissioners and trustees are appointed by the Lieutenant-Governor in Council. R.S.Q., art. 1974.

128. If, on account of the erection of new municipalities, the municipality from which they are detached ceases to exist, or if a school municipality is abolished and its territory annexed to a neighbor-

ing municipality by the annexation or uniting together of two or more municipal corporations, the superintendent shall, either personally or by a school inspector, or any other person specially appointed by him for that purpose, within the three months following the said abolition and annexation, inquire into the state of the affairs of the old municipality and the resources of and claims against the municipality within the limits of which the abolished municipality was situated. R. S. Q., art. 1975.

129. The person charged with the said inquiry shall give a notice of at least eight days to the school commissioners, or trustees, as the case may be, of the old municipality and of the new municipality, of the place where and of the day and hour when the examination in question will be proceeded with, so that the said municipalities may be represented thereat.

For the purposes of such examination the person charged therewith shall have all the powers conferred upon the superintendent himself by article 35.

A report of the said examination shall be made to the superintendent, if the examination was not made by him, and the superintendent, after hearing the representatives of both school municipalities interested, shall upon such examination give his decision, which shall have the effect of an award of arbitrators on all the parties, and shall be final and without appeal. R. S. Q., art. 1976.

130. Until the superintendent has made his award, the school municipalities interested shall remain in the same state, and the commissioners or trustees shall remain invested with the same rights and powers, as before the said abolition and annexation as regards the management of the schools, but they cannot contract any new debts or obligations. R. S. Q., art. 1977.

131. If, by the award, the superintendent decides that the school commissioners or trustees of the abolished municipality shall pay a part of their debts or do anything whatever which requires the continuation of the existence of the school municipality, he shall expressly so declare it in his award, and then the school municipality in question shall, for the purpose of carrying out the said award, continue to exist, as if the abolition and annexation of its territory had never taken place, and may levy taxes according to the provisions of the law respecting Education, until the said award shall be completely carried out, without prejudice to the right of the new school municipality to levy and recover taxes in the new territory according to law R. S. Q., art. 1977.

132. The school municipality, which shall so continue its legal existence for the purpose of carrying out the said award, shall every year, on or before the first day of July, make a report to the superintendent of all that has been done in carrying out the award until the superintendent declares the award completely carried out.

From the day of the publication of such declaration in the Quebec Official Gazette, such school municipality shall cease to have any legal existence. R. S. Q., art. 1978.

133. The superintendent may in the said award, if he deems it expedient, order that the new school municipality shall have the right to levy, upon the territory from which it has been detached, or upon the abolished municipality, a special tax in addition to the ordinary school tax, during one or more years, and then the school tax so levied may be recovered at the same time and in the same manner, and with the same rights and privileges as the ordinary school taxes,

whether the new school municipality has or has not a special school law.

In all proceedings for the recovery of such special tax an extract from the award, with the certificate of the chairman of the school municipality interested or of the clerk of the corporation charged with the collection, shall be proof of the existence of the tax in question R. S. Q., art 1979.

134 Any school municipality whose territory has been annexed to a neighboring municipality before the twelfth day of July, eighteen hundred and eighty-eight, but which continued to exist under a special provision of law to that effect, may notify the superintendent that it intends to avail itself of the foregoing provisions.

After such notification, such school municipality shall be proceeded with under the foregoing provisions. R. S. Q., art. 1980

§ 2 — School Districts.

135. The school commissioners or trustees shall divide the municipality into school districts, and shall designate them by the numbers one, two, &c., and the limits assigned by them to each district shall be entered in the register of their proceedings. R. S. Q., art. 1981.

136 The commissioners and trustees may also, in their discretion, alter the limits of districts already existing and erect new ones, so as to suit the wants of the population and local circumstances * R. S. Q., art. 1981.

* *Held*:—That the power of abolishing a school district rests in the discretion of the school commissioners by law: that, there is no appeal to the superintendent of education from any

137. No school district shall exceed five miles in length or breadth. R. S. Q., art. 1981.

138. The school commissioners or trustees shall take care that there be a school in each school district, and may, when they deem it expedient, unite two or more districts for the same school, and again separate them.

Notice of any such changes shall be given to the superintendent. R. S. Q., art. 1982.

139. The school commissioners or trustees of any incorporated town or village, which has been or may hereafter be erected into a separate school municipality, need not divide the school municipality under their control into school districts.

If such division has already taken place, they may, by resolution, annul and cancel it, in which case, the whole of such school municipality shall form one school district. R. S. Q., art. 1983.

140 In order to be erected into a school district, a section of territory must contain at least twenty children over five and under sixteen years of age.

The commissioners or trustees may, however, allow one school district to contain a smaller number of children. R. S. Q., art. 1984

Decision of the school commissioners in all cases in which they are vested with a discretion to grant or refuse the prayer of a petition. That, a *mandamus*, issued to enforce a decision of the superintendent annulling the resolution of a board of school commissioners, by which they refused to suppress a school district, be dismissed, the superintendent's decision being illegal. *Trudelle vs. the School Com. of Charlesbourg*, S. C., Quebec, 1881, Judge Stuart.—Q. L. R., vol. 13, p. 243.

SECTION II.

DISSENTIENT SCHOOLS.

141. If, in any municipality, the regulations and arrangements, made by the school commissioners for the management of any school, are not agreeable to any number whatever of the proprietors, occupants, tenants or rate-payers professing a religious faith different from that of the majority of the inhabitants of such municipality, such proprietors, occupants, tenants, and rate-payers, may signify such dissent, in writing, to the chairman of the commissioners.* (*See Form No. 4.*)

The dissent shall take effect only on the first of July following the date of the service of the notice above mentioned, except in the case of the erection of a new school municipality as provided in article 147. R.S.Q., art. 1985, as amended by 54 Vict., chap. 21, art. 4.

142. Such notice of dissent, which may be in the appended Form No. 4, shall be made and signed in triplicate; one copy shall be served upon the chairman of the school commissioners, one copy shall be kept in the archives of the trustees, and one copy shall be sent to the superintendent of Public Instruction. R. S. Q., art. 1985.

143. During the month of July following the service of the notice of dissent, the said persons shall elect

* *Held* :—That in a school municipality, there shall not be more than one board of school trustees, and that each of the different sects forming the minority cannot legally demand a school and board of school trustees of its own. *Cushing vs. The School Trustees of Acton Vale*.—S.C., St. Hyacinthe, 1873, Judge Sicotte. L.C.J., vol. 18, p. 21.

Held :—That any proprietor of real estate within a school municipality is entitled to declare himself a dissentient, and that, although not a resident of such municipality, he can validly pay his school rates to the Trustees. *School Trustees of St. Henri vs. Young*.—C. Sessions of the Peace, 1861, Judge Coursol. L. C. R., vol. 13, p. 473.

three school trustees, in the manner prescribed by article 158 and following. R.S.Q., art. 1986, as amended by 54 Vict., chap. 21, art 5.

144. During the eight days following their election or nomination, the trustees must give notice thereof to the chairman of the school commissioners. R. S. Q., art. 1986. (*See art. 213.*)

145. If, in any municipality, the minority which declared itself to be dissentient increases and becomes the majority, the dissentients shall, in consequence thereof, have a right to organize themselves, that is to say, to elect five commissioners in the month of July, in the manner prescribed by article 158 and following.

On the other hand, the former majority, having become the minority, may declare itself to be dissentient, and may elect three trustees for the management of its school affairs. R.S.Q., art. 1987.

146. Dissentients are not liable for any taxes or school-rates which may be imposed by the school commissioners, except for the taxes for the then current year, or for taxes for the building of any school-house previously contracted for, or for the payment of debts previously incurred; provided always, that such taxes are imposed within six months from the date of the receipt of the declaration of dissent.* R.S.Q., art. 1988.

147. In the case of newly organized municipalities, if the declaration of dissent be served upon the chairman of the school commissioners, within one month after the organization of the school corporation, the

* *Held* :—That, in a suit between rate-payers and School Commissioners, the organization of a Board of School Trustees, and the fact that the rate-payers are dissentients may be proved by verbal testimony, where it is evident by receipts for school rates given during several years by the said Board of Trustees to the said rate-payers, and by other circumstances, that such a board has *de facto* existed. *School Com. of the Township of Roxton vs. Boston et al.* C.Q.B., Montreal, 1879.—L.C.J., vol. 24, p. 122.

dissentients shall not be liable for any taxes imposed by the school commissioners.

During the course of the month of July following the service of the declaration of dissent, the dissentients elect their trustees, in the manner prescribed by article 158 and following. R.S.Q., art. 1988, as amended by 54 Vict., chap. 21, art. 6.

148. The dissentients in any municipality, who, as such, form a school municipality, may, with the approval of the superintendent, upon the demand of both parties, unite with a neighboring school municipality of their religious faith, situated at a short distance from their own, either completely or only for the purpose of sending their children to school.

2. In the case of a complete union, the sums collected for school purposes by the dissentients, up to the time of the union, shall be remitted to the school municipality to which they have been annexed, and the territory occupied by them shall form part of such school municipality for all school purposes.

3. If the union is only for the purpose of sending the children of dissentients to the schools of a neighboring municipality, the school trustees of such dissentients shall continue to collect the school taxes in their territory, but shall be bound to remit, within the time required by law, the amount to the school municipality to which they are so united.

4. Any such union may be made for the number of years that the superintendent may be pleased to fix, and may, with the same approval, be cancelled after twelve months' notice to that effect in the Quebec Official Gazette. R.S.Q., art. 1989.

149. In the cases mentioned in the preceding article, the trustees of such dissentients are obliged to levy the same rate of taxes in their municipality as that imposed by the school corporation of the municipality to which they are so united. R.S.Q., art. 1989.

150. Any number whatever of the proprietors, occupants, tenants and rate-payers of a township or parish, divided into two or more municipalities for school purposes, professing a religious faith different from that of the majority of the said township or parish, may dissent and maintain one or more dissentient schools situated anywhere in the said township or parish, by giving notice in writing to the chairman of the school commissioners of their respective municipalities, and electing three trustees for school purposes, as provided in article 158 and following.

2. The trustees of the said dissentients shall either maintain, under their immediate control, or subsidize, a school of their own religious faith situated in the said township or parish.

3. If the members of the religious minority, in any one of the school municipalities into which the said township or parish is divided, desire to send their children to the school maintained by the said trustees without becoming dissentients, it shall be lawful for the school commissioners of such municipality to make an annual grant, from the school funds of the municipality to the said trustees, in aid of the said dissentient school. R. S. Q., art. 1990.

151. Whenever the trustees of dissentient schools in any municipality shall have been a year without schools, either in their own municipality or jointly with other trustees in an adjoining municipality, and it shall appear that they are taking no steps toward obtaining schools, it shall be lawful for the superintendent, after giving three consecutive notices in the Quebec Official Gazette to that effect, to recommend to the Lieutenant-Governor in Council, three months after the publication of the first of the said notices, that the corporation of trustees of dissentient schools for such municipality be declared extinct.

2. The rate-payers who were, up to that time, under the control of the said trustees, shall then be subject to all taxes levied by the school commissioners, and shall be further held to pay to the commissioners a sum equal to their share of all school taxes levied by the commissioners during all the time for which the said trustees of dissentient schools had neglected to keep their schools in operation. R. S. Q., art. 1991.

152. One year after the time of the publication in the Quebec Official Gazette of the dissolution of such corporation of trustees, any number of proprietors, tenants and occupants, professing the religious faith of the minority in such municipality, may again elect trustees and form a new corporation as provided by article 141 and following. R. S. Q., art. 1992.

153. Whenever there is no dissentient school in a municipality, it shall be lawful for any resident head of a family professing the religious faith of the minority in the said municipality, and having children of school age, to declare, in writing, to the chairman of the school commissioners, that he intends to support a school in a neighboring municipality, which school shall not be more than three miles distant from his residence.

He shall thenceforth pay, subject to the restrictions above mentioned, his taxes to the commissioners or trustees, as the case may be, by whom such school shall be maintained; but special mention shall be made, in all school returns, of children belonging to a neighboring municipality, and such children shall not be taken into account in apportioning the school grants between the commissioners and trustees. R. S. Q., art. 1993.

154. Whenever the majority of the children attending any school in operation on the ninth day of June, one thousand eight hundred and forty-six, were dis-

sentients, and the school-house then belonged to or was then occupied by such dissentients, the school-house shall continue to be occupied by them so long as the number of children taught in the school amounts to the number required to form a school district. R. S. Q., art. 1994.

155. Children from other school districts, of the same faith as the dissentients for whom the school was established, may attend the same whenever such dissentients are not sufficiently numerous in any district to support a school alone. R. S. Q., art. 1995.

156. Any person belonging to the religious minority may at any time become a dissentient, and any dissentient may, in like manner, declare his intention of ceasing to be a dissentient, subject, however, in either case to the restrictions of article 146. R. S. Q., art. 1996.

157. The receipt by the chairman of the commissioners and the trustees of the declaration made, in either of the above mentioned cases, shall be sufficient to place the persons so making the said declaration under the control of the commissioners or trustees, as the case may be. R. S. Q., art. 1996.

SECTION III.

SCHOOL COMMISSIONERS AND TRUSTEES.

§ 1.—*Election of School Commissioners and Trustees.*

158. On the first juridical Monday in July in each year there shall be held a general meeting of all the proprietors of real estate paying taxes or monthly fees in each school municipality, for the election of a board of school commissioners or trustees.

■ Such meeting is held at the place which may have been fixed by resolution of the school commissioners or

trustees, within the municipality itself, or in a neighboring city, town, or village municipality, if such city, town, or village municipality forms part of the same parish or township. R. S. Q., art. 1997, as amended by 53 Vict., chap. 30, art. 1.

159. If from any cause, the annual general meeting for the election of school commissioners or trustees cannot be held on the first juridical Monday in July, such meeting may be held and the election may take place on any of the ensuing juridical Mondays in the same month, by observing the same formalities. R. S. Q., art. 1998.

160. If the meeting be the first held in the municipality for the election of a board of school commissioners or trustees, it shall be called by the senior justice of the peace, or, in his default, by any other resident justice of the peace, or, in their default, by any three proprietors of real estate, by giving eight days' previous public notice in the manner prescribed in article 11 and following. R.S.Q., art. 2000.

161. At such first meeting, the senior justice of the peace present, or in his default such other person as may be appointed by the meeting shall preside; and, thereafter, at the general annual meeting for the election of school commissioners or trustees, the chairman of the school commissioners or trustees, or, in his absence, any one of the commissioners or trustees present who can read and write, chosen by the meeting, and, in their absence, any other person present, who can read and write, chosen by the meeting, shall preside. R.S.Q., art. 2001. (*See note under art. 215.*)

162. The secretary-treasurer of the school commissioners or trustees shall be bound to convene such annual meeting for the election of commissioners or trustees by public notice given in the manner pre-

scribed by article 160, and in the event of his neglecting to convene the same, he shall incur a penalty of not less than ten or more than fifty dollars. (*See Form No. 1.*)

If there be no secretary-treasurer, or if he be absent from the municipality or incapable of acting, this provision shall apply to the chairman of the school commissioners or trustees, and also in his absence to the senior commissioner or trustee. R. S. Q., art. 1999.

163. If the choice of the commissioners or trustees is contested, any five persons present and qualified to vote may demand a poll, which shall be held in the manner prescribed by the following articles.* R. S. Q., art. 2002.

164. The presiding officer, after having opened the meeting, requests the electors present to propose those persons whom they wish chosen as school commissioners or trustees. R. S. Q., art. 2002, § 1.

165. The presiding officer is bound to receive and propose as candidates the names of all persons submitted to him, whether verbally or in writing, by at least two of the electors present. † R. S. Q., art. 2002, § 2.

* *Held* :—That when a poll is demanded at an election of School Commissioners (or trustees), it shall be by, at least, five electors. *Sauvé vs. Boileau*. C. Q. B., Montreal, 1882.—L. C. J., vol. 27, p. 359.

† *Held* :—That it is not necessary to propose each candidate separately. That the presiding officer is bound to propose as candidates the names of all persons submitted to him, whether verbally or in writing, by at least two of the electors present. *Legault vs. Paiement*. C. C., Montreal, 1872, Judge MacKay.—R. C., vol. 2, p. 235.

Held :—That if no objection is made to the qualification of the presumed electors when the candidates are proposed and a poll is demanded, the presiding officer may not, after he has granted such poll, reverse his decision and act as if no such

166. No one can be proposed for election unless, at the time, his name and surname, as well as the names and surnames of the voters who propose him, are given.* R. S. Q., art. 2002, § 2.

167. If, during the first hour after the opening of the meeting, as many candidates as there are school commissioners or trustees to be elected, or fewer candidates than the required number, have been proposed for election as school commissioners or trustees, the election is declared closed, and the presiding officer proclaims the candidates proposed for election duly elected. R. S. Q., art. 2002, § 3.

168. One hour after the opening of the meeting, if more candidates have been put in nomination than there are school commissioners or trustees to be elected, the presiding officer, upon a requisition by five electors present, proceeds without delay to hold a poll,

demand had been made and accepted, on the alleged ground of want of legal qualification in some of those who made the demand. *Laraway vs. Brimmer*. C. C., Sweetsburg, 1872, Judge Dunkin.—L. C. J., vol. 16, p. 164.

Held:—That want of qualification in the persons who submitted names to the presiding officer at an election is not a cause to annul the election, if no objection was made when the candidates were proposed or before the poll was opened, and if the poll was held in the manner prescribed by law. *Morrier vs. Rasconi*. Magistrates' C., County Bagot, Judge Lanctot.—R. L., vol. 7, p. 140.

* *Held*:—That the names of candidates, submitted by two electors who do not give their names and surnames, but who are well known as electors (for instance the *curé*, and the representative of the County in the House of Commons who have resided in the municipality for a great number of years), shall be accepted by the presiding officer.

That it is the presiding officer's duty to demand the names and surnames of all persons who submit names of candidates. *Boileau vs. Proulx*. C. C. Montreal, 1872, Judge MacKay.—R. C., vol. 2, p. 236.

and to register the votes of the electors present.* R. S. Q., art. 2002, § 4.

169. If, among the candidates put in nomination, there are any to whom there is no opposition, the presiding officer proclaims such candidates elected, and the poll is held for the other candidates only.† R. S. Q., art. 2002, § 4.

170. In the absence of a demand from five electors present to the effect that a poll be held, the presiding officer proclaims school commissioners or trustees those candidates who have the majority of the electors present in their favor, after having established such majority by counting the electors who are in favor of each candidate.‡

* *Held* :—That an election of school commissioners (or trustees) which was declared closed before the end of an hour after the opening of the meeting is null. *Armstrong et al vs. Pangborn*. S. C., Sorel, 1880, Judge Gill.—R. L., vol. 10, p. 540.

Held :—That the time allowed, during which to nominate candidates, is the first hour after the opening of the meeting; and, that it is not necessary that a written demand be made for a poll or for the registration of the votes of the electors. *Marquis vs. Couillard*. C. C., Quebec, 1876, Judge Dorion.—Q. L. R., vol. 10, p. 98.

† *Held* :—That when there is no opposition to a candidate, he shall be proclaimed elected immediately before the poll for the election of the other candidates is held, that is at the end of the first hour after the opening of the election meeting. *Lizotte vs. Lalancette*, C. C., Sorel, 1879, Judge Papineau.—R. L., vol. 10, p. 480.

Held :—That the presiding officer at an election meeting is not bound to wait till the end of the hour after the opening of the meeting to proclaim elected a candidate nominated without opposition, and to hold a poll and register the votes of the electors in favor of the other candidates. *Huneau vs. Magnan*, C. C., L'Assomption, 1871, Judge Baudry.—R. C., vol. 2, p. 234.

‡ *Held* :—That after the expiration of the hour allowed for the nomination of candidates, while the presiding officer is counting the electors favorable to each candidate, if five electors demand a poll and the presiding officer refuses it and, not-

Twenty electors present may, however, appeal from his decision, by requiring a poll to be held.* R. S. Q., art. 2002, § 5.

171. The presiding officer, if a poll is opened, must enter or cause to be entered, in a book kept in accordance with the conditions hereinafter prescribed, and in the order in which they are given, the votes of the electors, by entering therein the names and qualities of each.† R. S. Q., art. 2002, § 6.

172. Every elector may vote for as many candi-

withstanding the protests of the five electors who persist in demanding a poll, begins anew to count the electors favorable to each candidate, and proclaims one of the candidates elected, the election is null.—*St. George vs. Gadoury*, C. C. Joliette, 1885, Judge Cimon.—L. N., vol. 9, p. 59.

Held:—That as soon as the presiding officer has declared the proposed candidates elected, the election is closed, and that electors arriving afterwards, cannot legally submit the names of other candidates, and the presiding officer cannot legally grant a poll; that the granting of a poll in such a case is illegal, and that any person voting at it without legal qualification shall not, by so doing, incur the fine of twenty dollars decreed by article 316 of the Municipal Code. *Melançon vs. Sylvestre*. C. C. St. Hyacinthe, 1870, Judge Sicotte.—L. C. J., vol. 14, p. 217.

* *Held*:—That, when an election has taken place by acclamation, the presiding officer cannot grant a poll to electors arriving after the proclamation of the elected candidates has been made; that, if he does so, the holding of this poll being illegal, persons voting at it without legal qualification cannot be fined, as they might be, were the poll legally held. *Bezières vs. Turcotte*. C. C., St. Hyacinthe, 1870, Judge Sicotte.—R. L., vol. 2, p. 129.

† *Held*:—That the omission of the quality of the electors in the poll book is not a cause to nullify an election, if no injustice has been done by such omission. *Morrier vs. Rasconi*. M. C. County Bagot, Judge Lanctot.—R. L., vol. 7, p. 140.

Held:—That an election of commissioners (or trustees) is null if the votes have not been entered in the poll book, and if the names and qualities of the electors have not been mentioned. *Pacaud vs. Gagné*. C. Q. B., Quebec, 1867.—L. C. R., vol. 17, p. 357.

dates as there are school commissioners or trustees to be elected in the municipality. R. S. Q., art. 2002, § 7.

173. Any person tendering his vote must take the following oath or affirmation, before the presiding officer, if required so to do by him, by any elector, by any candidate, or by the representative of any candidate :

"I swear (or affirm) that I am qualified to vote at this election, that I am at least twenty-one years of age, that I have paid all school taxes due by me, and that I have not already voted at this election : So help me God."

If such elector refuse to take such oath, his vote must be refused.* R. S. Q., art. 2002, § 8.

174. Whenever the presiding officer does not understand the language spoken by one or more electors, he must appoint an interpreter, who, before acting, takes, before such person presiding, the following oath :

"I swear (or I affirm) that I will faithfully translate the oaths, declarations, affirmations, questions and answers which the presiding officer shall require me to translate, respecting this election : So help me God." R. S. Q., art. 2002, § 9.

175. Each page of the poll book must be numbered in writing and initialed by the person presiding at the election. R. S. Q., art 2002, § 10.

176. If an elector take the required oath, or refuse to take the same, or if objection be made to his vote, mention of each of these facts must be made in the poll book, in the following terms : "sworn,"

* *Held* :—That the vote of an elector, registered after such elector has refused to take the oath required by law, is null. *Dolbec vs. Portelance*. C. C., Quebec, 1879, Judge Stuart.—Q. L. R., vol. 6, p. 17.

"refused," or "objected to," as the case may be. R. S. Q., art. 2002, § 11.

177. At the close of the election, but before proclaiming the candidates elected, the presiding officer must certify, under his signature, on the poll book, the total number of votes entered, from the first to the last entry in the book, and also the total number of votes given for each of the candidates. R. S. Q., art. 2002, § 12.

178. In case of an equal division of votes in favor of one or more of the candidates, the presiding officer is bound to vote, under a penalty of not less than twenty or more than fifty dollars. R. S. Q., art. 2002, § 13.

179. At the close of the election, the presiding officer proclaims such of the candidates as have attained the largest number of votes, duly elected school commissioners or trustees. R. S. Q., art. 2002, § 14.

180. The election shall commence at ten o'clock in the forenoon, and shall close at five o'clock in the afternoon of the same day. R. S. Q., art. 2003.

181. At such meeting the proprietors of real estate paying taxes or monthly fees, qualified to vote, shall elect five school commissioners or three trustees, as the case may be, or the number of commissioners or trustees required to fill the vacancies caused by the retiring of such of the commissioners or trustees as go out of office.

All persons so elected, except Roman Catholic and Protestant clergymen, are bound to accept the office to which they have been elected. R. S. Q., art. 2004.

182. No person shall vote at any election of school commissioners or trustees in any school municipality, unless he has previously paid all contributions then

payable by him for school purposes in such municipality.* R. S. Q., art. 2005.

183. Any person voting in contravention of the preceding enactment shall incur a penalty not exceeding ten dollars. R. S. Q., art. 2005.

184. The clergymen of all religious denominations ministering in the school municipality, and all voters resident in the school municipality are, without any property qualification, eligible as commissioners or trustees. Non-residents, other than such clergymen, are not eligible. R. S. Q., art. 2006, § 1.

185. Individuals of the dissentient minority shall not be elected or serve as school commissioners, or vote at the election of school commissioners; and, in like manner, the individuals of the majority shall not be elected or serve as school trustees, or vote at their election. R. S. Q., art. 2006, § 2.

* *Held*:—That the monthly fee is a school tax. *Auslaire vs. Poirier*. C. C., Waterloo, 1882, Judge Buchanan.—L. C. J., vol. 28, p. 231.

Judgment upon the interpretation of article 291 of the Municipal Code, bearing upon article 2005 of the R. S. Q.

Held:—That to be qualified to vote, not only must the voter's name be on the list of voters, but he must have at the moment of voting all the qualifications required by law to be an elector.

2. That there is no cause to annul the vote of an elector who has not paid all his school taxes, if it is not certain that he owed any more, or if his not paying them within the prescribed time is due to an error on the part of the secretary-treasurer. *Dostaler vs. Coutu*. C. C., Berthier, 1880, Judge Gill.—R. L., vol. 11, p. 109.

Held:—That the absence of the secretary-treasurer from his office during the week immediately preceding the election, thus preventing the electors from paying their taxes and acquiring the right to vote, is not a cause of nullity of an election, if there were just reasons for such absence. *Morrier vs. Rasconi*. M. C., Bagot, Judge Lanctot.—R. L., vol. 7, p. 140.

Held:—That a person illegally deprived of his right as an elector has ground for an action for damages. *Bernatchez vs. Hamond*. C. C., Montmagny, 1881, Judge Angers—Q. L. R., vol. 7, p. 25.

186. No school commissioner or trustee shall be a teacher of any school in his municipality, nor shall he be a contractor for any work for any school corporation of which he is a member. R. S. Q., art., 2007.

187. No school commissioner or trustee shall be re-elected, except with his own consent, during the four years next after his going out of office.* R. S. Q., art. 2008.

188. The chairman of any general meeting for the election of school commissioners or trustees shall, within eight days thereafter, report the proceedings thereof to the superintendent and transmit to him a list of the persons elected thereat, under a penalty of five dollars. He shall also, within the same delay, notify in writing the persons elected of their election. R. S. Q., art. 2009. (*See Forms Nos. 2 and 3.*)

189. In case of death, change of domicile, or in case of incapacity, during three consecutive months, by reason of temporary absence, sickness, infirmity or otherwise, school commissioners or trustees are replaced at a meeting of persons qualified to vote convened for that purpose by the chairman or temporary chairman of the said school commissioners or trustees, and at which he, or, in his absence, one of the school commissioners or trustees, who is able to read and write, named by him, shall preside. R. S. Q., art. 2010, as amended by 52 Vict.

190. Whenever, on the occurrence of a vacancy in the office of school commissioner or trustee, in the case provided for by the preceding article, the election

* *Held* :—That a school commissioner (or trustee), whose term has expired, cannot be re-elected without his consent, and that his nomination shall be considered null, unless his formal consent be given to it. *Béland vs. L'Heureux*. S. C., St. Johns, 1876, Judge Chagnon.—R. L., vol. 7, p. 232.

of another person to the said office has not taken place within one month after the occurrence of such vacancy, the Lieutenant-Governor may, upon the recommendation of the superintendent, fill such vacancy.* R.S.Q., art. 2011, as amended by 53 Vict., chap. 27, art. 11.

191. In all cases of incapacity arising from sickness, no election or appointment to fill the said office shall take place, unless the said incapacity has been established by the certificate of a physician deposited with the secretary-treasurer; and the vacancy arising from such incapacity shall date from the day of the deposit of such certificate. R. S. Q., art. 2012.

192. All contestations with regard to such elections and to the functions and powers assumed by school commissioners, or trustees, or any of them or their officers, or by any persons claiming to be such commissioners, or trustees, or officers, may, by any person having authority as visitor or otherwise over the schools of the municipality, or by any rate-payer, be brought by a petition (*requête libellée*) setting forth the case, of which a copy must have been served on the parties concerned, before the Superior Court in the district, or before the nearest Circuit Court.

Such contestations are tried in a summary manner. R. S. Q., art. 2013.

193. Any school commissioner or trustee, whose election has been obtained by fraud or stratagem, or by the votes of persons not qualified to vote, or any person usurping the functions of school commissioner or

*Judgment upon the interpretation of article 337 of the *Municipal Code* bearing upon article 2011 of the R. S. Q.

Held:—That the mere fact that a councillor has left his domicile in the municipality makes his office vacant, and deprives him of the right of attending council meetings in the capacity of a councillor. *Loiseau vs. Lacaille*. C. C., Montreal, 1872, Judge Mackay.—R. C., vol. 2, p. 236.

trustee, or illegally holding that office, may be summarily prosecuted at the instance of any person interested, or of several collectively interested, before the Superior or Circuit Court in the district in which such election, usurpation or illegal detention of office has taken place, for the purpose of declaring such election or such detention of office illegal, and such seat vacant.* R. S. Q., art. 2014.

194. Any election of school commissioner or trustee may be contested by any candidate or by five electors, on the ground of violence, corruption, fraud or incapacity, or on the ground of the non-observance of essential formalities.† R. S. Q., art. 2015

* *Held* :—That a school commissioner (or trustee) elected in an illegal manner may resign his office before being prosecuted, and that the office made vacant by his resignation may be filled by the Lieutenant-Governor in Council. *Laliberté vs. Ruette*. C. Q. B., 1876.

Held :—That an election of school commissioners (or trustees) which took place under circumstances which misled the voters, and prevented them from exercising their right to vote, is null. *Sauré vs. Boileau*. C. Q. B., Montreal, 1882.—L. C. J., vol. 27, p. 359.

Held :—That a candidate, or his agent, who pays the taxes due by certain electors for the purpose of enabling such electors to vote in favor of such candidate, is guilty of a corrupt act, sufficient to nullify such votes and such election. *Dostaler et al. vs. Coutu*. C. C., Berthier, 1880. Judge Gill.—R. L., vol. 11, p. 109, and *Auclair vs. Poirier*.—L. C. J., vol. 28, p. 231.

† *Held* :—That in contesting the election of several commissioners or trustees, even when the grounds, upon which the election of each is contested, are different, one and the same petition in the name of at least five electors and one security for costs are sufficient. *Lawford vs. Robertson*. C. C., Sherbrooke, 1872, Judge Ramsay.—R. C., vol. 2, p. 235.

Held :—That irregularities, (by presiding officers), which do not interfere in any manner with the right and the exercise of the right to vote are causes of nullity only when the law so declares; and that any omission, which does not prejudice the free exercise of the right to vote does not invalidate an election. *Bureau vs. Normand*. S. C. Three Rivers, 1873, Judge Sicotte.—R. L. vol. 5, p. 40.

195. The examination and decision of such contestation is vested in the Circuit Court of the district or county, or in the magistrate's court of the county, in which the municipality is situated, to the exclusion of all other courts.* R. S. Q., art. 2015, § 2.

196. Such contestation is brought before the court by a petition in which are set forth the facts and reasons alleged in support of the contestation. The petitioners may also, in their petition, indicate the persons who have a right to the office in question and state the facts necessary to establish such right. R. S. Q., art. 2015, § 3.

Such petition is presented in open court, together with the returns of the preliminary services. R. S. Q., art. 2015, § 8.

197 A copy of the petition, with a notice stating the day on which the petition will be presented to the court, is served upon and left with every school commissioner or trustee whose election is contested, within fifteen days from the date of such election; otherwise the right of contesting is forfeited. R. S. Q., art. 2015, § 4.

198 No such petition can be presented or received after the close of the first term of the court next following the day when the contested election was held.

Nevertheless, if the election was held within the fifteen days preceding such first term, the petition

* *Held*:—That decisions of the Circuit Court in contested election cases under the provisions of the Municipal Code are not subject to revision. *Lacerte vs. Dufresne*. C. R., Quebec, 1883.—Q. L. R., vol. 9, p. 190.

Held:—That the contestation of the election of school commissioners must be brought before the Circuit Court or the Magistrate's Court, such courts having exclusive jurisdiction in this matter. *Mitras vs. Trudeau, et al.* C. Q. B., Montreal, 1885.—M. L. R. Q. B., vol. 1, p. 347.

may be presented on the first day of the second term.* R. S. Q., art. 2015, § 5.

199. The petitioners must give security for the costs at least ten days before the petition is presented to the court; otherwise such petition cannot be received. R. S. Q., art. 2015, § 6.

200. The security required by the foregoing article is put in before the clerk of the court.

The sureties must be holders of real estate to the value of two hundred dollars, over and above any incumbrances there may be on such property.

One surety suffices, provided he is an owner of real estate to the required value. R. S. Q., art. 2015, § 7.

Held:—1. That an election or nomination of school commissioner or trustee must be contested by a direct action, and that it cannot be incidentally attacked by a petition in nullity of a resolution in which he concurred; 2. That the jurisdiction given, by art. 348 of the Municipal Code, to the Circuit Court and the Magistrate's Court over the contestations of elections of councillors by electors and appointments of mayors by councils, is *exclusive* only in cases of violence, bribery, fraud, incapacity or non-observance of essential formalities, and not in any other case, and specially not in any of the cases created by art. 1016 and following of the Code of Procedure. *Paris vs. Couture*. C. R., Quebec, 1883.—Q. L. R., vol. 10, p. 1.

Held:—That, to be allowed to contest the election of a school commissioner or trustee, the petition must be presented before the close of the term next following the day when the contested election was held, if more than fifteen days are to elapse between the date of such election and the close of the term. *Lavoie vs. Hamelin*. C. C., Montreal, 1882, Judge Papineau.—L. N., vol. 5, p. 94.

Held:—That in the district of Montreal, according to the provisions of 46 Vict., ch. 26, ss. 1 and 2, there are no more terms of the Circuit Court, and consequently a petition (to contest a municipal election), which according to art. 351 of the Municipal Code, should be presented during the term of the court next following the day when the election was held, may be received after the expiration of this delay. *Brunelle vs. Brosseau*. C. C., Montreal, Judge Doherty.—L. N., vol. 8, p. 99.

201. If, after having heard the parties, the court is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, it orders proof to be adduced and the parties interested to be heard on the day in term it deems the most convenient. R. S. Q., art. 2015, § 9.

202. The court proceeds in a summary manner to hear and decide such contestation.

The evidence may be taken orally or in writing, in whole or in part, as the court shall order. R. S. Q., art. 2015, § 10.

203. The court by its judgment may confirm or annul the election, or declare another person to have been duly elected. R. S. Q., art. 2015, § 11.

204. The court may condemn either party to pay the costs of the contestation; and such costs are taxed and are recoverable as well against the parties to the suit as their sureties. R. S. Q., art. 2015, § 12.

205. The judgment of the court, in so far as regards the costs, is executory against the sureties, fifteen days after a copy thereof has been served upon them. R. S. Q., art. 2015, § 12.

206. The court may order that its judgment be served at the expense of the party against whom the judgment has been rendered, upon any person it may deem proper. R. S. Q., art. 2015, § 13.

207. If the trial of the contestation is not concluded at the close of the term of the court during which the petition was presented, the sitting judge must continue it without interruption during the vacation, adjourning from day to day until he delivers his final judgment upon the merits of the contestation. R. S. Q., art. 2015, § 14.

208. If the court by its judgment annuls the election of the school commissioners or trustees or any one of them, without stating who should fill such

offices, the court must in the same judgment order a new election to replace the school commissioners or trustees whose elections are so annulled, name for that purpose a person to preside at such election, and fix the day and hour upon which a meeting of the electors is to be held.

Such day must not be sooner than fifteen nor later than twenty days from the date of the judgment.* R. S. Q., art. 2015, § 15.

209. Such election must be announced by public notice, by the chairman of the school commissioners or trustees, or, if there be none in office or if the chairman is the school commissioner or trustee whose election has been annulled, by the secretary-treasurer.

If there be neither a chairman nor a secretary-treasurer in office, the notice is given by the senior justice of the peace, or in his default by any other justice of the peace residing in the municipality, and in their default by three proprietors of real estate, as soon as a copy of the judgment has been served upon them. R. S. Q., art. 2015, § 16.

210. The omission to give such notice prevents a meeting of the electors from being held, and renders the persons, whose duty it is to give it, subject to a penalty of not less than five or more than twenty dollars. R. S. Q., art. 2015, § 16.

* *Held*.:—That according to art. 361 of the Municipal Code (art. 208 of this Code), a new election shall be ordered when acts of corruption are proved. *Auclair vs. Poirier*. C. C., Waterloo, 1882.—L. C. J., vol. 28, p. 231.

Held.:—That when the law does not declare that if one of the candidates is not qualified and, for that reason, incapable of exercising the office, the other candidate although he has not the majority of the votes shall be declared elected, the judge cannot declare it, and in that case a new election must take place. *Bureau vs. Normand*. S. C., Three Rivers, 1873, Judge Sicotte.—R. L., vol. 5, p. 40.

211. The school commissioners and trustees, elected at a general meeting, or appointed by the Lieutenant-Governor, shall remain in office for three years; except that after the first election or nomination of a board of commissioners or trustees, two in the case of commissioners, and one in the case of trustees, determined by lot, shall retire from office at the end of the first year, two of the remaining commissioners, or one of the remaining trustees, determined in the same manner, at the end of the second year, and the remaining commissioner or trustee, at the end of the third year.

The chairman shall be liable, in common with the other school commissioners, to go out of office if it be so determined by lot. R. S. Q., art. 2017, as amended by 53 Vict., chap. 27, art. 11.

212. Commissioners and trustees going out of office shall be replaced by election at a general meeting, or in default of an election by appointment by the Lieutenant-Governor. R. S. Q., art. 2018, as amended by 53 Vict., chap. 27, art. 11.

213. For the municipalities in which no election of school commissioners or trustees has taken place within the time prescribed, the Lieutenant-Governor may, upon the recommendation of the superintendent, appoint commissioners or trustees. R. S. Q., art. 2016, as amended by 53 Vict., chap. 27, art. 11.

§ 2.—*School Corporations and Meetings thereof.*

214. The school commissioners and trustees in each municipality shall be a corporation under the name of *The School Commissioners (or Trustees) for the Municipality of* _____ *in the county of* _____; *or in the counties of* _____ *(if a municipality is situate partly in several counties.)*

They shall have perpetual succession, and a common seal, if they think proper to have one.

They may sue and be sued, and shall generally have the same powers which any other body politic and corporate has, with regard to the purposes for which it is constituted.* R. S. Q., art. 2019.

**Held*:—That when a corporate body pleads that the name, as given in the writ served upon it, is not its true name, it should proceed by an exception to the form and not by a plea to the merits. *The Corporation of School Commissioners of Hochelaga vs. The Abattoir Company of Montreal*, 1887.—R. L., vol. 15, p. 196.

Held:—That an error in the description of a corporation does not vitiate proceedings taken by such corporation. *Parent vs. The Corporation of St. Sauveur*. C. C., Quebec, 1873, Judge Meredith.—Q. L. R., vol. 2, p. 258.

Held:—That an action, brought by a corporation styling itself the "Corporation of Ste. Martine" instead of the "Corporation of the Parish of Ste. Martine," be dismissed on an exception to the form. *The Corporation of Ste. Martine vs. Henderson*. C. C., Chateauguay, 1873, Judge Dunkin.—R. L., vol. 4, p. 568.

Held:—On an exception to the form, that the service of a writ of summons, made at the domicile of the secretary-treasurer of a school board was null—it being proved that the defendants, said school board, did not have their office at said domicile. *The School Commissioners of St. Pierre de Sorel vs. The School Commissioners of the Town of William Henry*. S. C., Montreal, 1855, Judge Mondelet.—L. C. J., vol. 3, p. 189.

Held:—That school commissioners or trustees, being a corporation, have a corporate title which they should use in all legal proceedings taken by them. *Gagnon vs. The School Commissioners of St. Janvier*. C. C., Ste. Scholastique, 1873, Judge Johnson.—R. L., vol. 5, p. 474; and *Barette vs. The School Commissioners of St. Columban*. C. C., Ste. Scholastique, 1875, Judge Johnson.—R. L., vol. 7, p. 185.

Held:—That the members of a school board, who are in good faith, cannot be held personally responsible for the decisions of such board, even when such decisions are infractions of articles (of the law) which declare that persons contravening them incur a fine. *Audette dit Lapointe et al vs. Duhamel*. S. C., Sorel, 1869, Judge Loranger.—R. L., vol. 1, p. 52.

Held:—That a corporation is not an officer or a person possessing public functions in the sense of art. 22 of the Code of Civil Procedure. *Blain vs. The Corporation of Granby*. C. R., Montreal, 1873.—R. L., vol. 5, p. 180.

215. When a municipality is erected and each year thereafter, the school commissioners or trustees shall meet on the first Monday after their appointment or after notice of their election, for the purpose of

Held:—That art. 22 of the Code of Civil Procedure, (by which notice must be given to any public officer, or other person fulfilling a public duty, before suing him for damages for any act done by him in the exercise of his functions) and sections 1 and 7 of the 101st chap. C. S. L. C., (by which any such suit must be commenced within six months after the commission of the act complained of) do not apply in the case of a school commissioner who has acted in bad faith.

That a school commissioner is not obliged to refund a sum of money paid to a teacher, illegally engaged in the place of another who has been wrongfully dismissed and who has obtained judgment for her salary. *The School Commissioners of Ste. Marthe vs. St. Pierre et al.* S. C., Montreal, 1879, Judge Torrance.—L. N., vol. 2, p. 343.

Held:—That notice of action must be given to school commissioners, before an action for damages can be brought against them for any act of theirs done in the exercise of their functions. *Basin vs. The School Commissioners of St. Anselme.* C. R., Quebec, 1871.—R. L., vol. 3, p. 454 and R. C., vol. 1, p. 480.

Held:—That corporations have only such powers as are specially vested in them, or which are necessary for the accomplishment of the duties imposed on them.

That corporations may be bound in the same manner as individuals by quasi contracts, and that they are liable for the legal services of those who procured their acts of incorporation. *De Bellefeuille et al vs. The Municipality of St. Louis of Mile End.* S. C., Montreal, 1880, Judge Johnson.—L. C. J., vol. 25, p. 18.

Held:—That a corporation is responsible for the acts of its officers if it has ordered them or if it has attempted to justify them. *Doyon vs. The Corporation of the Parish of St. Joseph.* C. Q. B., Quebec, 1873.—L. C. J., vol. 17, p. 193.

Held:—That a dissentient Board of School Trustees, who to collect taxes, have caused the county council to sell a property, —on discovering that through their fault, such sale was illegal, —may file an intervention in a petitory action, brought by the purchaser against the actual holder of the property, to stop such action and thus prevent an action in warranty from being taken against them. *Brunet vs. Davidson and the Dissident School Trustees of Côté St. Paul.* S. C., Montreal, 1888, Judge Mathieu.—R. L., vol. 16, p. 175.

choosing a chairman.* Such chairman shall know how to read and write. R. S. Q., art. 2020, §§ 1 and 5, as amended by 53 Vict., chap. 27, art. 2.

216. If the meeting mentioned in the foregoing article cannot be held on the day fixed, it may be held

Held:—That corporations may transact in all actions for damages, or actions of any other kind taken against them. That they are bound by such agreements, and can be released, from their obligations concerning them, only for such reasons as would be accepted in the case of a major in the full enjoyment of all his rights. *Bachand vs. The Corporation of St. Theodore of Acton*. S. C., St. Hyacinthe, 1870, Judge Sicotte.—R. L., vol. 2, p. 326.

Held:—1. That a corporation may make promissory notes. 2. That the mayor and secretary-treasurer who sign a note in the name of a corporation are presumed to have sufficient authority to do so, and that in a suit to enforce payment of this note, it is not necessary to produce the resolution of the council authorizing them to sign. *Corporation of Grantham vs. Couture et al.* C. Q. B., Montreal, 1879.—R. L., vol. 10, p. 186.

Held:—That the recourse which a municipality has against the members or ex-members of its council, for malversation, malice, and bad faith, is not by an action in simple warranty, but by an action for damages. *Leclerc vs. The Corporation of the Parish of St. Joachim de la Pointe-Claire et Valois et al.* C. C., Montreal, 1862, Judge Monk.—L. C. J., vol. 7, p. 83.

Held:—That an action for libel may be brought against a corporation. That, by art. 356 of the Civil Code, a body politic is regulated by the Civil Code in its relations with the citizens individually. *Brown vs. The Corporation of Montreal*, S. C., Montreal, 1871, Judge Beaudry.—L. C. J., vol. 17, p. 46 and R. C., vol. 1, p. 475.

Held:—That an advocate acting for a municipal corporation is not bound to produce the resolution of the council which authorizes him. *Duvernay vs. The Corporation of St. Barthélemy*. C. Q. B., 1868.—R. L., vol. 1, p. 714.

* *Held*:—That a board of school commissioners or trustees cannot dismiss their president from his office, and appoint another in his place, before the expiration of the year for which he was appointed. *Villeneuve vs. Charest*. C. Q. B., Quebec, 1881.—Decisions of the C. of Appeal, vol. 1, p. 235.

on any day of the same week. R. S. Q., art. 2020, § 3.

217. If it be the first meeting of the school commissioners or trustees in the municipality, it shall be presided over by one of their number until a chairman is appointed. R. S. Q., art. 2020, § 4.

218. In case of the absence, whether permanent or temporary, of the chairman, the assembled school commissioners or trustees shall name one of themselves as chairman for the time being, who shall then be vested with the same powers and privileges as the ordinary chairman. R. S. Q., art. 2021.

219. The chairman of the school commissioners or trustees may call meetings by a notice signed by the secretary-treasurer, by order and in the name of the chairman, which shall be given at least two days before that time fixed for such meetings. R. S. Q., art. 2022, as amended by 53 Vict., chap. 27, art. 2. (*See Form No. 5.*)

220. Two commissioners or one trustee may, by written notice, require the chairman to call a meeting, and he shall thereupon be obliged to call such meeting under penalty of a fine of ten dollars, and such fine shall belong to the school corporation of the commissioners or trustees, as the case may be. R. S. Q., art. 2023.

221. The meetings of the commissioners or trustees are not public; but the commissioners or trustees, as the case may be, may admit such persons as may desire to be present on business. R. S. Q., art. 2024.

222. The place where the meetings of the school commissioners or trustees shall be held may, upon resolution to that effect by the commissioners or trustees, approved by the superintendent, be fixed either in the

school municipality or in a city, town or village nearest to such municipality. R. S. Q., art. 2024.

223. At the meetings of school commissioners or trustees all questions shall be decided by the majority of votes. When the votes upon any question are equal, the chairman may give his vote, and in no other case shall the chairman vote.* R. S. Q., art. 2025.

§ 3.—*Duties of School Commissioners and Trustees respecting management of schools.*

224. It is the duty of school commissioners and trustees:

1. To appoint and engage, by resolution of the school corporation and by written contract, teachers duly qualified to teach in the schools under their control; (*See Form No. 14.*)

2. To cancel, after mature deliberation at a meeting called for the purpose, the engagements of teachers on account of incapacity, neglecting faithfully to perform their duties, insubordination, misconduct or immorality;†

* *Held*:—That school commissioners or trustees are bound by the acts of their predecessors in office. *The School Commissioners of St. Michel de Vaudreuil vs. Bastien*. S. C., Montreal, 1859, Judge Smith.—L. C. J., vol. 4, p. 123.

† *Held*:—That a teacher, who has been illegally dismissed and who has declared his readiness to fulfill his obligations, may instead of taking an action for damages, demand the instalments of his salary as they become due.

That the suit taken by the teacher to enforce payment of the first instalment prevents prescription from running with respect to instalments due subsequent to such action, if the right to the entire salary was contested in the first action, and admitted in principle by the Court. *Barette vs. The School Commissioners of St. Cyprien*. C. R., Montreal, 1880.—*La Thémis*, vol. 4, p. 49.

Held:—That the power granted to school commissioners and trustees to remove teachers for misconduct or incapacity, does

3. To provide that the course of study authorized by the Roman Catholic or Protestant Committee, as the case may be, shall be followed in each school;

4. To require that no other books be used in the schools under their control than those authorized by the Council of Public Instruction or either of the Committees thereof;

The *curé* or priest administering a Roman Catholic church shall, however, have the exclusive right of selecting the books having reference to religion and morals for the use of pupils of his religious faith.

The Protestant Committee shall have similar powers respecting Protestant pupils.

5. To establish general rules for the management of their schools, and to communicate them in writing to the teachers under their control;

6. To fix the time of the annual public examination, and to attend the same;

7. To name two or more from among themselves to visit each school under their control at least once in six months, and to report to the corporation of which they are members the state of the school and whether their regulations are strictly observed, also the progress of the scholars, the character and capacity of the teachers, and every other matter relating to the management of the schools;

8. To comply, as regards the accounts and register to be kept by the secretary-treasurer, with all instructions, whether special or general, from time to time given them by the superintendent;

not relieve them from liability to damages if such removal take place without sufficient cause. *Browne vs. The School Commissioners of Laprairie*. C. R., Montreal, 1856.—L. C. J., vol. 1, p. 40, and *Gaudry vs. Marcotte*. S. C., Quebec, 1861, Judge Stuart.—L. C. R., vol. 11, p. 436.

9. To make two reports of their proceedings to the superintendent, the first before the fifteenth day of January and the second before the fifteenth day of July in each year;

10. To keep minutes of their proceedings signed, for each sitting, by the chairman and the secretary-treasurer; (*See Form No. 6.*)

11. To keep books of account in the manner and form indicated by the superintendent, and not otherwise;

12. To afford communication of such accounts at suitable hours, and in accordance with conditions established by the school commissioners or trustees, or in their default, by the superintendent, to those who contribute towards the maintenance of the school;

13. To hear and decide disputes and matters of like nature arising in relation to the common schools in their municipality between the parents or children and the teachers.*

14. To dismiss from the school any pupil whose conduct is immoral, either in word or deed. R.S.Q. art. 2026, as amended by 53 Vict., chap. 27, art. 4.

225. The engagement of a teacher shall be for the term of a school year, except in special cases approved by the superintendent, and may be according to the form No. 14 of this law. R.S.Q., art. 2027.

226. In no case shall school commissioners or trustees be obliged to employ a teacher who does not suit them. R.S.Q., art. 2027.

* *Held* :—That a teacher has a right of moderate chastisement against disobedient and refractory pupils, but it is a right which can only be exercised when necessary for the maintenance of school discipline, and to a degree proportioned to the offences committed.

Any chastisement exceeding this limit, and springing from motives of caprice, anger or bad temper, constitutes an offence punishable like ordinary delicts. *Brisson vs. Lafontaine*. S. C., Montreal, 1864, Judge Loranger.—L. C. J., vol. 8, p. 173, and L.C.R., vol. 14, p. 377.

227. The school commissioners or trustees shall, if they do not wish to continue the engagement of any teacher under their control during the year following, notify such teacher of their intention, in writing, two months before the expiration of his or her engagement, in default of which, such teacher shall be deemed to be re-engaged for the same school and upon the same terms.

This provision shall not prevent the commissioners or trustees from cancelling the engagement of any teacher, for the causes set forth in paragraph two of article 224.* R. S. Q., art. 2028.

228. All notices given collectively or simultaneously to teachers by commissioners or trustees with the view of evading the provisions of the preceding article, and all agreements made with them, for such purpose, shall be deemed to be null and of no effect.† R. S. Q., art. 2029.

* *Held* :—1. That school commissioners or trustees shall, if they do not wish to continue the engagement of any teacher under their control, notify such teacher of their intention, two months before the expiration of his or her engagement ;

2. That the resolution, for this purpose, shall not be adopted at any but a regular meeting of said commissioners or trustees ; and, that notice of such resolution shall be given, in writing, to the teacher. *Gauron vs. The School Commissioners of St. Louis de Lotbinière*. C. C., Quebec, 1881, Judge Casault.—Q. L. R., vol. 7, p. 251.

Held :—That an offer of engagement having been made to a teacher by a Board of School Commissioners without any limit of time for acceptance and not having been withdrawn, the teacher could validly bind them and effect the engagement by her verbal or written acceptance given at a regular meeting of the commissioners, about twelve days afterwards, notwithstanding that in the interval she had, in answer to a demand made to her by individual members of the Board, refused to accept the offer. *Devarennés vs. Hallé*. C. R., Quebec, 1881.—Q. L. R., vol. 7, p. 252, and *Demeules vs. The School Commissioners of St. Dominique de Jonquières*. C. R., Quebec, 31 March, 1888.

† *Held* :—1. That a collective notice, given by a single reso-

229. Every teacher who does not intend to continue his or her engagement for the following year must give notice to the school commissioners or trustees similar to that required by article 227. R. S. Q., art. 2030.

230. The school commissioners or trustees of any school municipality may, with the approval and sanction of the Roman Catholic or Protestant Committee, as the case may be, upon the report of the superintendent, establish a system of graded schools, whenever they deem it advisable so to do for the better advancement of education and the management of the schools under their control. R. S. Q., art. 2031.

§ 4.—*Duties of School Commissioners and Trustees respecting school property.*

231. It is the duty of the school commissioners or trustees in each municipality :

1. To take possession of lands and school-houses acquired, by any title or erected by the school commissioners or trustees and to which the Province may have contributed in virtue of any act for the encouragement or promotion of education, or by the Royal Institution, which institution is hereby authorized to

lution and simultaneously to all the teachers of a municipality, is null and that it does not prevent the engagement, of the teachers who receive it, from continuing for the following year.

2. That the notice to a teacher that his engagement is not continued for the following year need not be given to him personally. *School Commissioners of Iberville vs. Duquet.* C. Q. B., Montreal, 1881.—Decisions of the Court of Appeal, vol. 1, p. 270.

Held :—That a clause in a teacher's engagement stating that such engagement shall terminate on a certain date is null, and that the two months' notice must always be given. *Walsh vs. The School Commissioners of Tingwick.* C. Q. B., Quebec, 1887.

surrender the same;—and in case of opposition to give notice thereof to the superintendent, who shall advise them as to the means of removing or overcoming the same;

2. To acquire and hold for the corporation, by any title whatsoever, all real or personal property, moneys or income for the purposes of education, and to apply the same according to the instructions of the donors;

3. To do whatever may be expedient with regard to building, repairing, keeping in order or renewing all school-houses, lands, fences and moveable property held by them, or to hire temporarily or accept the gratuitous use of houses and other buildings for the purpose of keeping school therein; *

4. To associate with themselves, permanently, or for a time only, managers to aid them in matters connected with the administration of the school-houses, the erection and repair, warming and cleaning thereof, and with keeping in good order the property, moveable and immoveable, belonging to the school. R. S. Q., art. 2032. (*See Form No. 8.*)

232. The commissioners or trustees of no municipality, unless otherwise provided by special statute, shall hold real property to the yearly value of more than three thousand dollars. R. S. Q., art. 2033.

233. No school corporation shall cease by reason of the want of school commissioners or trustees in any municipality at any time; but in such case the powers of the corporation, as regards the possession

* *Held*.—That a person who contracts to repair a school-house cannot recover payment, (such payment being due only after the completion and acceptance of the repairs), if the workmanship and materials are not exactly according to the specifications of the contract. *Saumure vs. The School Commissioners of St. Jérôme*. C. R., Montreal, 1868.—R. L., vol. 16, p. 214.

of any property, real or personal, shall become vested in the superintendent, and, in his default, in the Lieutenant-Governor, in trust, until it is otherwise provided by law. R.S.Q., art. 2034.

234. All lands, school-houses or other property, real or personal, belonging to common schools, in any part of the Province, under any law or by any title whatsoever, are vested in the corporation of the school commissioners or trustees respectively of the municipality in which such property is situated.* R.S.Q., art. 2034.

235. No school corporation shall, without the approval of the Lieutenant-Governor, upon the recommendation of the superintendent of Public Instruction, hypothecate, alienate, sell or exchange the property belonging to it, or borrow money thereon for school purposes. R.S.Q., art. 2035, as amended by 53 Vict., chap. 27, art. 11.

§ 5.—*Duties of School Commissioners and Trustees respecting school taxes.*

236. It is the duty of the school commissioners and trustees to cause to be levied by taxation, in their respective municipalities, the taxes deemed necessary for the support of the schools under their control. R. S.Q., art. 2036.

237. The sum arising from such taxes must not be less than the sum allowed out of the common school fund for such municipality. R.S.Q., art. 2036.

238. To enable the school commissioners or trustees to receive from the superintendent their share of the common school fund, they must furnish him with

* Property belonging to, or occupied by educational institutions or corporations is exempt from municipal taxes. *Municipal Code*, art. 712, s. 3.

a declaration from their secretary-treasurer that he has actually and *bona fide* received, or that he has placed in the hands of the school commissioners or trustees for the purposes of this law, a sum equal to the said share accruing to such commissioners or trustees. R. S. Q., art. 2037.

239. School taxes shall be imposed uniformly according to valuation upon all taxable real property in the municipality, and shall be payable by the owner, occupant, or possessor of such property, and shall, if not paid, be a special charge thereon, bearing hypothec and not requiring registration.* R. S. Q., art. 2038.

240. The superintendent may allow school commissioners or trustees to levy upon real estate, situate outside the limits of a town or village, but forming

* *Held* :—That the limits of the town of St. Johns extending to the centre of the Richelieu river, the corporation of the said town has the right to levy taxes on that part of the railway bridge, crossing the Richelieu river, which is situated within the limits of the town, as defined by an act of the Quebec Legislature. *The Central Vermont Railway Co. and The Town of St. Johns*. C. Q. B., Montreal, 1886.—L. C. J., vol. 30, p. 122.

Held :—That the limits of the municipality of the town of Longueuil extend to the centre of the River St. Lawrence, and that a wharf situated within said limits, occupied and used as the property of a ferry company, is liable to taxation by the municipality. *The Town of Longueuil vs. The Longueuil Navigation Co.* S. C., Montreal, 1883, Judge Taschereau.—L. N., vol. 6, p. 291.

Held :—That a hypothecary action, against the holder (*tiers détenteur*) of an immoveable, for school taxes is appealable, and thus subject to revision by three judges of the Superior Court. *The School Commissioners of St. Norbert vs. Crépeau*. C. R., Quebec, 1883.—Q. L. R., vol. 10, p. 49.

Held :—That a Roman Catholic, owner of an immoveable in a school municipality where there are dissentient schools, who is taxed by the Dissentient Trustees, and through ignorance pays such taxes, may recover the amounts thus paid. *Séguin vs. The School Trustees of Point Fortune*. C. C., Montreal, 1886, Judge Mathieu.—R. L., vol. 14, p. 235.

part of the same school municipality as such town or village, a tax of not less than one-half of that levied upon real estate comprised within the limits of such town or village. R. S. Q., art. 2039.

241. The secretary-treasurer of the school commissioners or trustees shall collect from the rate-payers in the municipality a sum sufficient to pay the salaries of the teachers, at the expiration of each half year of their engagement. His half-yearly report to the Department of Public Instruction shall show that this has been done. R. S. Q., art. 2040.

242. The Government grant shall not be paid except on the condition mentioned in the preceding article. R. S. Q., art. 2041.

243. School commissioners or trustees, and the secretary-treasurers, shall for any infraction of the provisions contained in the five preceding articles, incur for each offence a fine not exceeding twenty dollars. R. S. Q., art. 2042.

244. The school commissioners or trustees who refuse or neglect to pay any teacher his salary, or any part of his salary due to him, may be sued by the superintendent, who is substituted to such teacher for the purpose.

The amount of such salary is considered as a personal debt due to the superintendent, and the judgment rendered against such school corporation shall be executed by the ordinary means of execution or by seizure by garnishment, or in any other manner that judgments of courts of justice may be executed against such school corporations.

The superintendent shall remit the sum recovered to the person interested, deduction being made of all costs. R. S. Q., art. 2043.

245. The following are exempt from school taxes:



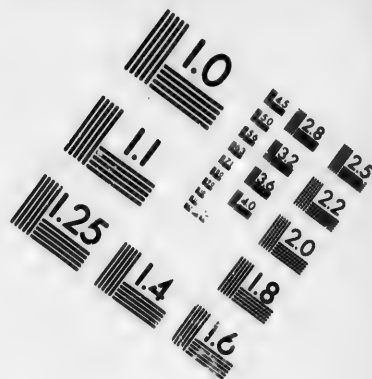
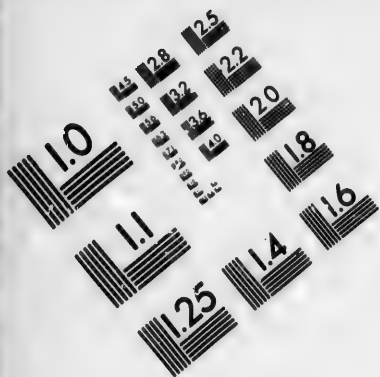
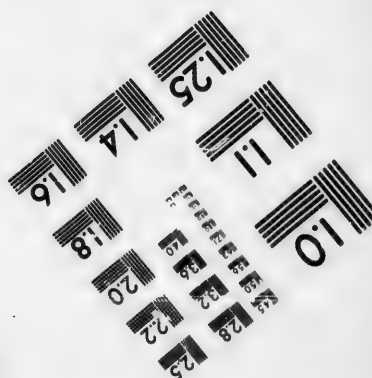
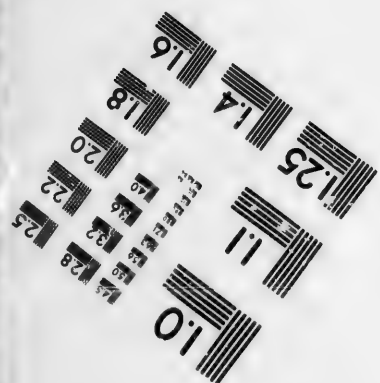
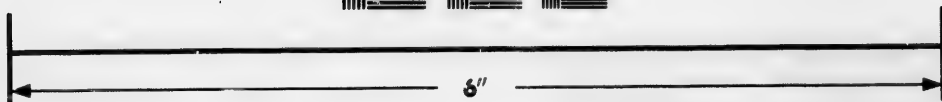
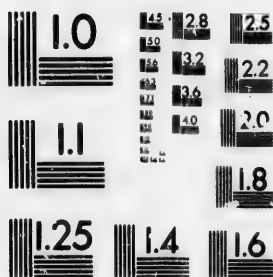


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1. All property belonging to Her Majesty, or held in trust for the use of Her Majesty ; *

2. All buildings set apart for purposes of education, or of religious worship, parsonage houses, and all charitable institutions or hospitals incorporated according to law, and the ground or land on which such buildings are erected, and also all cemeteries ; †

3. Every educational institution receiving no grant from the corporation or municipality in which it is situated, and the land on which it is erected, and its dependencies. † (See art. 379.)

* *Judgment upon the interpretation of article 712 of the Municipal Code bearing upon s. 1, art. 2044, R. S. Q.*

Held :—That municipal taxes assessed on a property, situated in the town of Sorel, belonging to Her Majesty and held in trust for her by the Secretary of State for the War Department, cannot be recovered from the occupant of the property, in spite of the fact that his name is on the valuation roll, and that he has neither petitioned nor asked to have it taken off. *Parsons vs. The Mayor of Sorel*. C. Q. B., Montreal, 1873.—R. L., vol. 15, p. 417.

Held :—That a purchaser of property from Government, in the middle of the civic year, after completion of roll, is not liable for taxes for the remainder of the year. *Hogan vs. The City of Montreal et al.* C. Q. B., Montreal, 1884.—L. C. J., vol. 29, p. 29.

† *Held* :—That property belonging to educational corporations or occupied by such corporations, for the ends for which they were established, and not possessed solely by them to derive a revenue therefrom, is exempt from all municipal and school taxes.

That the farm, known as Maizeret, utilized by the Quebec Seminary: 1st for its produce, the greater part of which is used by the Seminary ; 2nd as a place of recreation, since more than a century, for the priests, ecclesiastics and pupils of this institution, is exempt from school taxes. *The School Commissioners of St. Roch Nord vs. The Quebec Seminary*. C. Q. B., 1884.—Q. L. R., vol. 10, p. 335.

† *Held* :—That a private boarding and day school (for young ladies), receiving no grant, employing several teachers and having on an average eighty-five pupils per year, is "an educational establishment" within the meaning of the law and exempt from municipal and school taxes. *Wylie and The Corporation of the City of Montreal*. Supreme Court, March 8, 1886.

4. All property belonging to or used especially for exhibition purposes by agricultural and horticultural societies. R.S.Q., art. 2044, as amended by 52 Vict., chap. 25, art. 2.

246. The school commissioners or trustees may, as regards lands and immoveable property liable to taxation by them respectively, at any time, value and tax any lot of land separated from any land already valued and taxed, upon which one or more buildings have been erected since the publication of the last valuation roll then in force, and may make, in the valuation roll and in the collection roll of the school municipality, such alterations as become necessary by the concession or the separation of such lot, or the erection of such building. R.S.Q., art. 2045.

247. All such alterations in the valuation or collection roll shall be made and published in the manner prescribed for the making and publishing of the valuation and collection rolls in any school municipality; the commissioners or trustees shall, however, not be bound to make such valuation when the alterations resulting therefrom would be trifling and unimportant. R.S.Q., art. 2046.

248. The school commissioners or trustees, as the case may be, may also every year, with the authorization of the superintendent, exempt from school contributions any resident rate-payer living more than five miles from the nearest school of his religious faith,

Hel! :—That a house situated on the same lot of land as the Morrin College, to which it belongs, and occupied as a private dwelling by two of the professors of this college, is employed for the purposes of education and on this account is exempt from municipal taxes, although part of the salaries of the professors was deducted as rent. *The Treasurer of the City of Quebec vs. The Morrin College.* C.Q.B., Montreal, 1881.—R.L., vol. 11, p. 335.

provided he does not send his children to such school

The proprietors of unoccupied lots cannot, in any case, take advantage of this provision. R.S.Q., art. 2047.

249. The school commissioners may, by a regular resolution, commute for the payment annually of a certain determinate sum of money for a number of years not to exceed ten, the school taxes on buildings, land and property occupied by any person, partnership or company lawfully incorporated for carrying on any manufacturing or industrial undertaking within the limits of their municipality.

Dissentient school trustees may, in the same way, commute their share of such school taxes, and, in such case, the school commissioners shall collect, from such person, firm or company, in addition to the share for which they have themselves commuted, the sum for which the said dissentient school trustees have commuted, and the said school commissioners shall pay such sum to the dissentient school trustees annually; if, however, the dissentient school trustees do not deem it advisable to commute their share of such school taxes, the school commissioners shall continue to levy and collect from any such person, firm or incorporated company and shall pay annually to the dissentient school trustees the amount of the taxes which the said trustees would have been entitled to receive, in accordance with article 378 of the school law if the commissioners had not commuted their share of the said school taxes. 53 Vict., chap. 27, art. 5, and 53 Vict., chap. 29, art. 1, replacing art. 2048, R.S.Q.

§ 6.—*Duties of School Commissioners and Trustees respecting school-houses.*

250. If it be necessary to purchase, build, rebuild,

enlarge, repair or maintain one or more school houses, in any district whatever, the school commissioners or trustees may, at all times, for this purpose, tax either the particular district or the whole municipality, according as one or the other plan has already been adopted in the municipality. R. S. Q., art. 2049.

251. If a house for a model school be in question, the district in which the said school is situated is first taxed for an amount equal to that which it would have cost the district to erect an elementary school-house. The additional sum required for the model school-house shall be levied on the whole municipality, the district also paying its share. R. S. Q., art. 2049.

252. The ordinary notices required for taxes shall be given for the taxes mentioned in the two foregoing articles. R. S. Q., art. 2049.

253. The superintendent may authorize the school commissioners or trustees of any school municipality, not being an incorporated town or village municipality, to build and maintain two or more school-houses in any school-district. R. S. Q., art. 2050.

254. The school commissioners or trustees of any municipality which is not divided into school districts under the provisions of this law, may, upon the recommendation of the superintendent and with the approval of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, build, rebuild, enlarge, repair or maintain school buildings already existing, or build or erect one or more additional school-houses as may be required for the accommodation of the pupils in such municipality, and embellish and ornament the grounds surrounding such school-houses and buildings.

For the above purposes, the school commissioners or trustees may raise, by a special tax, the funds necessary to defray the expenses thereof, provided the total

amount of such expenses does not exceed, in any one year, the sum of three thousand dollars. R. S. Q., art. 2051.

255. In every case of special tax, in any school district, or of a general tax on the whole municipality, for the purchase, building, rebuilding, enlarging, repairs or maintenance of school-houses, any of the persons so taxed in any school district so separately taxed, may appeal to the superintendent, who may set aside such tax, or relieve therefrom the school districts, or any one of them, so appealing, or confirm the same, as to him appears most equitable under the circumstances. R. S. Q., art. 2052, as amended by 53 Vict., chap. 27, art. 6.

256. No tax exceeding the sum of three thousand dollars shall be levied for the construction of a house for a superior school, academy or model school, nor exceeding the sum of sixteen hundred dollars for the construction of an elementary school-house, unless the school commissioners or trustees are specially authorized by the superintendent to expend a larger sum.*

That school-houses shall be built in accordance with and upon plans approved or furnished by the superintendent. R. S. Q., art. 2053.

257. Upon the recommendation of the superinten-

* *Held*:—That Boards of School Commissioners, or Trustees, cannot levy a tax exceeding three thousand dollars for the construction of a model school-house. *The School Commissioners of Laprairie vs. Brosseau et al.* C. Q. B., Montreal, 1884.—D. C. A., vol. 4, p. 42.

Held:—That the obligations of municipal corporations are measured by their powers.

That, consequently, school commissioners (or trustees) are not liable for the balance of an obligation, given for the erection of a model school-house, when such balance is in excess of the amount authorized by law to be so expended. *Adams vs. The School Commissioners of Barnston.* C. Q. B., Montreal, 1860.—L. C. J., vol. 4, p. 363 and L. C. R., vol. 11, p. 46.

dent, and with the approval of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, school commissioners and trustees may, in addition to the powers conferred upon them by the preceding article, devote to the aid and maintenance of such superior schools, academies or model schools, which are under their control, a sum which shall not exceed, in any one year, one thousand dollars, to be divided by them among such educational institutions according to their several wants. The amount thus appropriated shall be included in the general tax raised by them. R.S.Q., art. 2054.

258. When a site for a school-house is chosen by the school commissioners or trustees, or a change is made in the limits of a school district, or a new school district is established in a school municipality, or when one or more established school districts are changed or subdivided, or when the school commissioners or trustees refuse or neglect to exercise or fulfill any of the functions or duties conferred upon them by articles 231, 250 and following, the rate-payers interested may at all times appeal to the superintendent, by summary petition.

2. By the decision given by the superintendent, which shall be final, he may order the school commissioners or trustees to do that which they have been required or which he orders them to do, or abstain from doing, or to do in whole or only in part and upon the conditions required by such decision.* R. S. Q., art. 2055, as amended by 53 Vict., chap. 27, art. 7.

259. The superintendent may, from time to time, alter, repeal or modify any decision given by him on appeal from the decision of the school commissioners

* *Held* :—That it is not necessary that the petition in appeal to the superintendent of education should contain affirmatively

or trustees, under the preceding article. R. S. Q., art. 2056.

260. If, after having selected a vacant lot of land as a site for a school-house, or if, after having decided to enlarge the grounds on which a school-house already built or being built, the school commissioners or trustees cannot make terms with the proprietor respecting the amount offered as an indemnity, or in case the proprietor refuses to deliver possession of the land

the allegation that the appeal to the superintendent is authorized by three visitors, if it appear that there was such authorization; that it will be presumed the authorization existed when the sentence alleges it did, unless the fact be contradicted. *Lemieux vs. The Corporation of St. Jean Chrysostôme*. C. Q. B., Quebec, 1884.—L. N., vol. 7, p. 406.

Held :—That the superintendent may, on an appeal to him, order that a school district be divided into two districts with a school-house in each.

That, in this case, the superintendent's decision is final, and can be modified but by the superintendent himself on a petition made to him according to law. *Tremblay vs. The School Commissioners of St. Valentin*. Supreme Court, 1886.—D. S. C. R., p. 140.

Held :—That the superintendent may, on an appeal to him, give sentence, ordering that a school-house be constructed on the site by him indicated. *Delisle vs. The School Commissioners of St. John (Isle of Orleans)*. C. Q. B., Quebec, 1880.—D. C. A., vol. 1, p. 93.

Held :—That the superintendent may, on a regular appeal to him, order something different to be done from what was asked of him in the petition.

That an opinion, given by the superintendent to school commissioners or trustees, in any matter which the law leaves under their control, is simply in the nature of an advice, and they may afterwards modify any action, taken by them, in accordance with such advice, if they think proper to do so.

That an appeal irregular in form became regular by the fact that the commissioners had concurred in it, by a resolution passed before the decision, in answer, to such appeal, was given *Martel vs. The School Commissioners of St. Raymond*. S. C., Quebec, April 14, 1888, Judge Casault.—Q. L. R., vol. 14, p. 148.

required, within the eight days next after application in writing shall have been made to him by the commissioners or trustees, then the matter shall be settled by arbitration in the following manner :

1. The commissioners or trustees shall appoint an arbitrator, and the owner of the land shall appoint another within thirty days after the said delay of eight days ; and a third arbitrator shall, at the instance of either of the parties, be appointed by the judge or one of the judges of the Superior Court for the district, within which the said site for a school-house is situated ;

2. In case the commissioners or trustees or the proprietor shall not appoint their respective arbitrators within the said thirty days, the said arbitrators, or the third arbitrator, as the case may be, shall be appointed by the judge or one of the judges of the Superior Court for the district, upon the application of one of the parties, and in the absence of the judge by the prothonotary of the said court ;

3. The arbitrators so appointed shall have all the powers necessary for the summoning, hearing, swearing, and examination of the witnesses ;

4. The award of the arbitrators or of a majority of them shall be final, and shall designate the party who shall be liable for the costs of the arbitration, and shall tax such costs. R.S.Q., art. 2057, as amended by 54 Vict., chap. 21, art. 7.

261. Before proceeding, each of the said arbitrators shall take the following oath before a justice of the peace for the district :

" I, A.B., having been appointed an arbitrator in the matter of the school commissioners (or trustees) of
" *versus* C. D., of , make oath that I
" will faithfully and impartially discharge the duties
" of my office to the best of my judgment and capacity.
" So help me God."

"Sworn at , this day of 18 ,
"before me the undersigned, one of Her Ma-
"jesty's Justices of the Peace, for the district of
" ." R. S. Q., art. 2058.

262. The arbitrators shall, within one month after their appointment, make their award, and serve a copy thereof on the school commissioners or trustees, and on all the other persons interested. R. S. Q., art. 2059.

263. The award shall give power to the commissioners or trustees, upon deposit in the hands of the prothonotary of the district, within the limits of which the said site for a school-house is situated, of the compensation awarded to the persons entitled to receive the same, to take immediate possession of the land for which the compensation has been awarded. R. S. Q., art. 2060.

264. After all interested persons, creditors or assigns have been called in, in the manner and form and after the delay, which the court or judge shall deem expedient and just, the Superior Court for the said district, or one of the judges thereof, shall distribute the sum so deposited by ordering that it be paid to the party or parties entitled thereto. R. S. Q., art. 2061.

265. If any person shall offer any resistance or opposition to the proceedings of the commissioners or trustees, any judge of the Superior Court may, upon satisfactory proof, that the conditions required by articles 260 to 264 have been fulfilled, issue his warrant addressed to any sheriff or bailiff, or other proper person, to place the commissioners or trustees in possession, and to put a stop to such opposition or resistance, all which such sheriff, bailiff, or other person shall be bound to do, taking with him such assistance as may be necessary. R. S. Q., art. 2062.

266. Nothing in the preceding articles shall have

the effect of authorizing possession to be taken of any property held by a *fabrique*, church, body, corporation or association for religious or school purposes. R. S. Q., art. 2063.

267. When a school-district is divided by the creation of a new district or new municipality, the part on which the school-house is situated shall retain the property thereof, and shall refund to the other an amount which shall be established *pro rata* by the valuation of the real property which was taxed for its erection.*

2. The same rules shall be followed when the religious minority shall declare themselves dissentient, unless an understanding to the contrary be come to with the minority, the majority shall keep the said school-house on payment of an amount determined as above.

3. In either of the two cases the school commissioners or trustees of the municipality in which the said school-house is situated shall entrust three competent persons with the making of a valuation of the said school-house, and of the land upon which it is built, and such valuation approved by them shall be final.

4. If, after such valuation, the persons interested still do not agree, there shall be an appeal to the super-

* *Held* :—That a schoolhouse, purchased or built by the ratepayers of a district, shall, if such district is suppressed by being annexed to another, or to others, become the property of the school municipality of which such district forms part after its annexation; if such schoolhouse is sold, the proceeds shall be paid to the school fund of the municipality, and ratepayers, who contributed for the purchase or construction of said schoolhouse, cannot claim back any portion of the proceeds of sale. *Audy vs. The School Commissioners of Charlesbourg*. C. C., Quebec, 1883, Judge Caron.—Q. L. R., vol. 9, p. 103 and *Jobin vs. The School Commissioners of Charlesbourg*. C. C., Quebec, 1883, Judge Casault.—Q. L. R., vol. 9, p. 312.

intendent, and the latter, after the said valuation and an authentic copy of the valuation roll of the property of all the parties interested have been placed in his hands, shall pronounce a final decision.

5. In such cases the school commissioners or trustees shall, without delay, apportion between the proper persons the amount to be paid, collect the money as soon as possible by legal process as in the case of collection of taxes, and render accounts to the persons interested. R. S. Q., art. 2064.

268. It shall be lawful for two or more school municipalities to unite, by mutual agreement, in maintaining a model school or an academy, and in erecting a building therefor.

In case of such union the school or school building shall be under the control of the school corporation of the municipality in which it is situated.

Nevertheless, the school commissioners or trustees of the municipalities, which are united for the purpose of contributing to the erection or maintenance of such model school or academy, shall have the right to be present at all meetings of such school corporation to take part in the discussions and to vote upon all questions respecting the administration of the affairs of the academy or model school. R. S. Q., art. 2065.

269. Any school corporation that desires to cooperate, in the manner above set forth, in the erection of such model school or academy building, shall pass a resolution to that effect, naming the amount to be levied and any other particulars deemed necessary.

Such sum may be paid in one amount, but at least one instalment shall be paid annually till the whole is paid.

Any school corporation that desires to participate in the maintenance of one of such schools shall pass a

resolution naming the amount to be levied annually for that purpose. R. S. Q., art. 2066.

270. Such resolution shall be submitted by the school corporation at a meeting of the rate-payers of the municipality, called for that purpose in the manner prescribed for calling general meetings.

The notice calling such meeting shall contain a copy of the resolution to be submitted.

At such meeting, the persons qualified to vote shall record their votes for or against the resolution in the manner provided for the election of school commissioners and trustees.

If the majority vote against the resolution, the said resolution shall become null; but if the majority are in favor of the resolution, the school corporation of the said municipality shall levy the amount named in the resolution, and shall pay the said amount over to the corporation of the school municipality in which the school is situated. R. S. Q., art. 2066, § 2.

271. The amount named for the maintenance of the school shall be paid over each year until it is decided by vote of the rate-payers to discontinue such payment. R. S. Q., art. 2066, § 3.

272. The acceptance by a school corporation, in which such school is situated, of aid in the erection of such school building from any other municipality, shall give the children in the latter municipality the right to attend such school upon the same conditions as the children of the municipality in which such school is situated. R. S. Q., art. 2067.

§ 7.—Powers of School Commissioners and Trustees respecting monthly fees.

273. Over and above the taxes levied, the school commissioners and trustees shall fix the monthly fees

to be paid to the secretary-treasurer for eight school months by the father or mother, tutor, curator or guardian for each child of age to attend school.

Such fees shall be for the use of the school district in which they are collected. R. S. Q., art. 2068.

274. Such fees shall not exceed in any case forty cents per month, and may be diminished, in the discretion of the commissioners or trustees, according to the means of the parents, age of the children, and course of instruction, but shall not be less than five cents per month.

The commissioners or trustees may, nevertheless, ask higher monthly fees in model schools and academies, and for the whole time the same are in active operation. R. S. Q., art. 2069.

275. The monthly school fees shall not be exacted except for each child from seven to fourteen years of age capable of attending school; but children from five to seven years and from fourteen to sixteen years of age residing in any school district shall, upon payment of the said monthly fees, have a right to attend the school thereof. R. S. Q., art. 2070.

276. The monthly school fees, fixed by the commissioners or trustees, shall be collected in the same manner and at the same time as school taxes.

The provisions of the present article shall, however, not be interpreted as applying to any place where the collection of the monthly fees is regulated by special statute. R. S. Q., art. 2071.

277. School commissioners or trustees cannot exact monthly school fees:

1. From indigent persons;
2. For insane, deaf or dumb children;
3. For children who are unable to attend school owing to serious and prolonged illness;
4. For children who are absent from the school

municipality for the purpose of receiving their education or for children in a college or other incorporated educational institution or one receiving a special grant from the public funds, other than schools under the control of commissioners or trustees. R. S. Q., art. 2072.

278. The monthly fees payable for children attending a model school, a separate girls' school, or a school kept by some religious community forming a school district, shall not form part of the school fund; but such monthly fees, to the amount established for the other children in the municipality, shall be payable directly to the teacher, and be for his or her use, unless a different agreement has been made between the school corporation and the teacher. R. S. Q., art. 2073.

279. School commissioners and trustees, in the semi-annual reports which they are bound to transmit to the superintendent, shall state the amount of monthly fees fixed for each district, and the amount of such fees actually collected, either directly by them or by the teacher. R. S. Q., art. 2074.

280. If the school commissioners or trustees fail to fix the amount of monthly fees to be paid for the children in each district, or to cause the same to be collected, the superintendent, with the approval of the Lieutenant-Governor, may refuse the school grant for the year to the school municipality represented by such commissioners or trustees in default. R. S. Q., art. 2075, as amended by 53 Vict., chap. 27, art. 11.

§ 8.—*Powers of School Commissioners and Trustees respecting schools for girls.*

281. The school commissioners or trustees may establish in the municipality a girls' school distinct

from that for boys, and such girls' school shall be considered as a school district. R. S. Q., art. 2076.

282. If any religious community has already established an elementary school for girls, in any municipality, such community may place its school, from year to year, or as may be agreed upon, under the management of the commissioners or trustees, and it shall then be entitled to all the advantages granted by this law to public schools. R. S. Q., art. 2077.

§ 9.—*Powers and duties of School Commissioners and Trustees respecting the annual census of children.*

283 School commissioners and trustees shall cause to be made by their secretary-treasurers, between the first day of September and the first day of October of every year, a census of the children in each school municipality, distinguishing those who are from five to seven years of age, those from fourteen to sixteen, those from seven to fourteen years, and those actually attending school.

They shall transmit such census to the superintendent in their semi-annual report of the month of January in each year. R. S. Q., art. 2078.

284. Every father, head of a family, tutor, curator or guardian, who refuses to give to the secretary-treasurer the information required for the census of the children prescribed by the preceding article, or who makes a false declaration, shall incur a penalty of not less than five or more than twenty-five dollars.

The provisions of articles 433, 434 and 435 shall apply to the said penalty. R. S. Q., art. 2079.

SECTION IV.

TRUSTEES OF DISSENTIENT SCHOOLS—THEIR GENERAL POWERS AND DUTIES.

285. Trustees have the same powers and are subject to the same duties as school commissioners for the management of those schools which are under their control. R. S. Q., art. 2080.

286. The trustees are a corporation for the purposes of their own dissentient schools and are entitled to receive, from the superintendent, shares of the general school fund, bearing the same proportion to the whole sums allotted from time to time to such municipality as the number of children attending such dissentient schools bears to the entire number of children attending school in such municipality at the same time. R. S. Q., art. 2081.

287. Trustees alone have the right of imposing and collecting the taxes upon the dissentient inhabitants. R. S. Q., art. 2082.

288. Whenever the school trustees in two adjoining municipalities are unable to support a school in each municipality, it shall be lawful for them to unite and to establish and maintain, under their joint management, a school situated as near the limits of both municipalities as possible, so as to be accessible to both.

In such case, the trustees jointly report their proceedings to the superintendent, who shall remit the share of the common school grant to the secretary-treasurer, whose name first appears on the report. R. S. Q., art. 2083.

289. The trustees are entitled to a copy of the collection roll in force, of the list of children capable of attending school, and of all other documents in the

hands of the school commissioners or of the secretary-treasurer, connected with the management of dissentient schools. R. S. Q., art. 2084.

290. If there is no tax imposed, or if the tax imposed does not appear to them a proper one, the trustees may, in the months of July and August, impose the taxes deemed necessary, upon the dissentient inhabitants. R. S. Q., art. 2084, § 2.

291. Trustees may constitute their own school-districts independently of the school-districts established by the school commissioners.

They have the same rights and are subject to the same duties and penalties as school commissioners, in respect to the collection and application of moneys levied by them, the rendering and examination of their accounts, and all other matters whatever in reference thereto. R. S. Q., art. 2085.

292. The trustees may also receive the amount of the monthly fees payable for the children of dissentient parents, tutors, curators or guardians, and may institute all suits or prosecutions, and do all other things necessary for the recovery of taxes and monthly fees. R. S. Q., art. 2086.

SECTION V.

SECRETARY-TREASURERS OF SCHOOL COMMISSIONERS AND TRUSTEES.

§ 1.—*General Provisions.*

293. Every school corporation shall have an officer called the secretary-treasurer, who shall be appointed by the school commissioners or trustees, and shall remain in office during the pleasure of the said commissioners or trustees. R. S. Q., art. 2087.

294. Every secretary-treasurer shall, before entering upon his duties as such, give security to the school commissioners or trustees, either by a notarial instrument, the minute of which shall remain with the notary receiving it, or by a bond under private seal signed and acknowledged before a justice of the peace. R. S. Q., art. 2088. (*See Form No. 7.*)

295. The security shall be given by at least two solvent sureties, jointly and severally, to the satisfaction of the chairman of the school commissioners or trustees, and for the total amount of the moneys for which the secretary-treasurer may, at any time during his tenure of office, be responsible, whether arising from the local school fund or from any particular contributions or donations paid into his hands for the support of schools, or from the general school fund.

Such security shall be renewed whenever its renewal is required by the school commissioners or trustees. R. S. Q., art. 2089.

296. Whenever the security is entered into by bond under private seal, the original thereof shall, within one month after the execution, be deposited in the hands of the registrar of the county, who shall keep the same in his custody and deliver copies thereof, which being certified by him, shall be considered to all intents and purposes as authentic.

For every such copy the registrar may demand and receive ten cents for every hundred words therein. R. S. Q., art. 2090.

297. The sureties of the secretary-treasurer may, at any time, by giving notice in writing of their intention to the secretary-treasurer himself and to the chairman of the school corporation by which he is employed, free themselves from future liability under their bond, at the expiration of thirty days after the service of such notice.

Such notice is given and served by a notary, or by the surety himself in writing, delivered in presence of one witness who shall sign the same. R.S.Q., art. 2091.

298. The secretary-treasurer must, within the thirty days following the service of such notice, furnish other sureties in lieu of those withdrawn.

In default of his so doing, he cannot discharge any of the functions of his office, without becoming liable to a penalty of twenty dollars for each infraction of this article. R.S.Q., art. 2092.

299. Whenever one of his sureties dies, becomes insolvent, or removes his domicile outside the limits of the district, the secretary-treasurer, must, as soon as he becomes aware of such fact, notify the same, in writing, to the chairman of the school corporation in whose service he is, under a penalty of one hundred dollars.

He must supply the place of such surety within the thirty days next following, in default of his so doing, he cannot perform any of the duties of his office, under the penalties prescribed by the preceding article. R.S.Q., art. 2093.

300. The sureties of the secretary-treasurer, after they are freed from future liability under their bond, or after the secretary-treasurer has ceased to discharge the duties of such office, may exact from the chairman of the school corporation a certificate of discharge for the future, which certificate, after registration thereof, discharges thenceforth the immoveables hypothecated by such bond. R.S.Q., art. 2094.

300 a. The secretary-treasurer may, with the consent of the school commissioners or trustees, give, in place of the bond mentioned in the preceding articles, security by a guarantee insurance contract or policy in favor of the said school commissioners or trustees in any insurance company incorporated for that purpose and approved by the said school commissioners or trus-

tees and by the superintendent of Public Instruction ;
Such consent is given by resolution adopted by the school commissioners or trustees.

The premium on the guarantee insurance policy may be paid by the school commissioners or trustees, and afterwards retained by them out of the salary or remuneration of the secretary-treasurer.

The provisions of this article apply to the assistant-secretary-treasurer appointed under article 319 of the code. 53 Vict., chap. 27, art. 8.

301. The secretary-treasurer is the keeper of all the books, registers, plans, maps, archives, and other documents and papers which are either the property of the school corporation, or are produced, filed and preserved in the office thereof.

He cannot divest himself of the custody of such archives, except with the permission of the school corporation, or under the authority of a competent court. R.S.Q., art. 2095

302. The secretary-treasurer attends at all meetings of the school corporation and draws up minutes of all the acts and proceedings thereof, in a book kept for that purpose, and called "Minutes of Proceedings." R.S.Q., art. 2096.

303. All minutes of the meetings of the school corporation must be approved by the school corporation, signed by the person who presided at such meeting, and countersigned by the secretary-treasurer. R.S.Q., art. 2097.

304. Whenever a by-law or a resolution is amended or repealed, mention must be made thereof in the margin of the minutes of proceedings, opposite such by-law or resolution, together with the date of its amendment or repeal. R.S.Q., art. 2098.

305. Copies and extracts certified by the secretary-treasurer from all books, registers, archives, documents, and papers preserved in the office of the school cor-

poration are evidence of their contents. R. S. Q., art. 2099.

306. The secretary-treasurer collects and has charge of all moneys due or payable to the school corporation.* R. S. Q., art. 2100.

307. He pays out of the funds of the school corporation, all sums of money due by it, whenever authorized to do so by such corporation.

If the sum to be paid does not exceed ten dollars, the authorization of the chairman is sufficient. R. S. Q., art. 2101.

308. Even in the absence of authorization from the school corporation, or from its chairman, it is his duty to pay, out of the funds of the corporation, any draft or order drawn upon him, or any sum demanded by any one empowered so to do by the provisions of the school laws or regulations. R. S. Q., art. 2102.

309. No draft or order can, however, be legally paid, unless the same shows sufficiently the nature of the use to be made of the sum therein mentioned. R. S. Q., art. 2103.

310. No secretary-treasurer can, under a penalty of twenty dollars for each infraction :

1. Grant discharges to rate-payers, or other persons indebted to the school corporation for school taxes or other debts, without having actually received in cash or in lawful value the amount mentioned in such discharges ;

* *Held* :—That a secretary-treasurer, who had delivered a cheque, received from the Government for school purposes, to the chairman of the school commissioners of his municipality, in order to have it cashed, could not be held responsible for the loss by theft of a part of this money, of which the chairman had been the victim, and that he (the secretary) was not guilty of negligence. *Ouimet vs. Verville*. C. Q. B., Quebec, 1880.—Q. L. R., vol. 7, p. 34.

2. Lend directly or indirectly, by himself or by others, to rate-payers or other persons whomsoever, moneys received in payment of school taxes or belonging to the school corporation. R. S. Q., art. 2104.

311. The secretary-treasurer is bound to keep, in the form prescribed, books of account, in which he enters, according to date, each item of receipt and expenditure, mentioning therein the names of all persons who have paid money into his hands, or to whom he has made any payment. R. S. Q., art. 2105.

312. He must keep, amongst the archives of the school corporation, all vouchers for his expenditure. R. S. Q., art. 2106.

313. The secretary-treasurer is bound to keep a "repertory," in which he mentions, in a summary manner and in the order of their dates, all reports, acts of apportionment, valuation rolls, collection rolls, judgments, maps, plans, statements, notices, letters, papers and documents whatsoever, which are in his possession during the exercise of his office. R. S. Q., art. 2107.

314. The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his archives, are open for inspection and examination by every interested party, or their attorneys, on the office days as established by the school corporation, between the hours of nine in the morning and four in the afternoon.

Such persons, either themselves or by their attorneys, may take all notes, extracts or copies which they require. R. S. Q., art. 2108.

315. The secretary-treasurer is bound to deliver, upon payment of his fees, to any person applying for the same, copies or extracts from any book, roll, register, document, or other paper, which forms part of the archives.

His fees, until otherwise fixed, are ten cents per hundred words.

The secretary-treasurer is, nevertheless, bound to furnish gratuitously any copy or extract required by the Lieutenant-Governor, or by members of the school corporation or its officers. R. S. Q., art. 2109.

316. The school commissioners or trustees may at any time remove the secretary-treasurer, and appoint another in his place.* R. S. Q., art. 2110.

317. No teacher shall be appointed secretary-treasurer. R. S. Q., art. 2111.

318. The remuneration of the secretary-treasurer shall not exceed seven per cent upon the moneys received by him as such for all the services consistent with the duties of his office, which the school commissioners or trustees may require of him, except in cases specially provided for by the school law and by regulations upon the matter made by the superintendent.†

Nevertheless the school commissioners or trustees may, by resolution, with the authorization of the superintendent, grant a supplementary sum to the secretary-treasurer for the use of his office as well as for any other consideration thereby specified. R. S. Q., art. 2112.

319. The secretary-treasurer may, under his signature, from time to time, appoint an assistant-secretary-

* *Judgment upon the interpretation of article 143 of the Municipal Code bearing upon article 2110, R. S. Q.*

Held :—That the secretary-treasurer of a municipality remains in office only during the good pleasure of the council. *Loiseau vs. Lacaille*. C. C., Montreal, 1872, Judge Mackay.—R. C., vol. 2, p. 236.

† *Held* :—That a secretary-treasurer cannot claim payment from school commissioners or trustees for supplementary services. *Pelletier vs. The School Commissioners of Ste. Philomène*. S. C., Montreal, 1854, Judges Day, Smith, and Mondelet.—L. C. R., vol. 4, p. 394.

treasurer, who may perform all the duties of such office, with the same rights, powers and privileges and under the same obligations as the secretary-treasurer himself, except as regards security.

2. The assistant-secretary-treasurer shall enter into office as soon as he has received written notice of his appointment, and he may be removed or replaced at pleasure by the secretary-treasurer.

3. In the exercise of his functions, he shall act under the responsibility of the secretary-treasurer, who has appointed him, and under that of the sureties of that officer. R. S. Q., art. 2113.

320. In the event of a vacancy in the office of secretary-treasurer, the assistant-secretary-treasurer shall continue to exercise the duties of that office until the vacancy is filled. R. S. Q., art. 2113, § 4.

321. Saving special provisions, every secretary-treasurer shall prepare and submit to the school commissioners or trustees, in the first week of July in each year, a detailed statement of the receipts and expenditure of the municipality, duly audited, for the year ending on the thirtieth day of June immediately preceding. R. S. Q., art. 2114.

322. The secretary-treasurer, as soon as the statement mentioned in the foregoing article has been approved by the commissioners or trustees, as the case may be, after having been audited as provided by articles 324 to 330, shall prepare an abstract of the receipts and expenditure and of the assets and liabilities, which he shall cause to be approved in the same manner by such school commissioners or trustees.

— He shall read or post up, or read and post up such abstract, as prescribed by article 11 and following, on the Sunday preceding the meeting of the rate-payers which he shall call in the manner required for meetings for the election of school commissioners or trus-

tees, or he shall cause such abstract to be published at least eight days before such meeting in a newspaper in the manner prescribed in article 15.* R. S. Q., art. 2114, § 2.

323. The secretary-treasurer shall furnish a copy of such abstract to any rate-payer requiring the same, upon the payment of twenty cents, or a copy of the statement as approved by the school commissioners or trustees, as the case may be, on the payment of ten cents for every hundred words, for each copy. R. S. Q., art. 2114, § 3.

§ 2.—Examination of the accounts of Secretary-Treasurers by an auditor.

324. School commissioners and trustees shall appoint one or two auditors to examine and audit the accounts kept by their secretary-treasurer, in office or out of office.

Such auditors are bound, in the month of July in each year, and when the school corporation requires, to make an examination of and to report respecting all accounts of the corporation and all accounts relating to any subject falling within their jurisdiction. R. S. Q., art. 2115.

325. In the case of a special audit of the accounts of the secretary-treasurer, the chairman of the school commissioners or trustees, as the case may be, shall personally or by a bailiff give written notice of such audit to the secretary-treasurer requiring him to at-

* *Held* :—That failure to read a regulation does not annul the regulation, but renders the officer charged with reading it liable to the penalty imposed by law. *Parent vs. The Corporation of the Parish of St. Sauveur*. C. C., Quebec, 1873, Judge Meredith. L. R., vol. 2, p. 258.

tend, so as to give all the explanations that may be required of him. R. S. Q., art. 2116.

326. If the secretary-treasurer refuse or neglect to attend, the auditor shall proceed to the examination and auditing of the accounts, and shall make and forward his report to the commissioners or trustees, to whom it may appertain, together with a statement of the amount of his costs and expenses, and the commissioners or trustees shall, at a regular meeting, adopt the said report in whole or in part, as the case may be, and shall certify the amount to which the auditor is entitled for expenses, and shall communicate the result to the secretary-treasurer, by causing a copy of the resolutions, adopted by them respecting the report, to be served upon him by a bailiff. R. S. Q., art. 2116, § 2.

327. The secretary-treasurer shall, within fifteen days, pay the amount which shall have been found deficient in his accounts. R. S. Q., art. 2117.

328. If the secretary-treasurer contest the auditor's report and give notice thereof, within the same delay of fifteen days, to the school commissioners or trustees, by a notice served on the chairman by a bailiff, the commissioners or trustees shall forward the report to the superintendent, together with a copy of their proceedings and of the notice given to them by the secretary-treasurer, and all documents connected therewith.

2. The superintendent shall appoint a school inspector or any other person to examine and audit the said accounts, in presence of the parties or after they have been duly summoned; and such inspector or person so appointed shall have all the rights and powers conferred by chapter second of title third of the Revised Statutes of the Province of Quebec, respecting inquiries concerning public matters. R. S. Q., art. 2118.

329. The inspector or person appointed shall report, to the superintendent, the procedure followed by him, and the superintendent shall give his decision, which shall be final.

Whoever shall be adjudged debtor shall pay without delay to the person entitled thereto the amount for which he has been declared debtor, and, in default of payment, legal proceedings shall be instituted to execute the said decision.

Nothing contained in this article shall prevent the superintendent, school commissioners, or trustees from proceeding under article 334, if they consider it preferable. R. S. Q., art. 2119.

330. The judgment of the superintendent shall establish the amount of the costs and expenses of the said inspector or person so appointed. R. S. Q., art. 2120.

§ 3.—Examination of Secretary-Treasurers' accounts by the Superintendent.

331. In case of difficulties between the commissioners or trustees and the secretary-treasurer in or out of office in the municipality, or in case of a written application to the superintendent from at least five rate-payers, having for its object the revision of the accounts of the secretary-treasurer for the year ending on the first of July previous, or for any other year for which the accounts have not been approved as prescribed by article 322, the superintendent may cause the said accounts or copies of the said accounts, with vouchers therefor, to be laid before him, and on the whole render judgment in detail, which shall be entered in a register kept by him for that purpose.

2. Such judgment shall have force of an award of arbitrators between all the parties, and any copy

thereof certified by the superintendent or by one of the secretaries of the Department of Public Instruction shall be authentic.

3. The superintendent may, also, himself, proceed to the place in question, or appoint a delegate in his stead.

4. The examination shall take place on the day and hour and at the place fixed in a notice duly served, five days previously, by a bailiff, upon the commissioners or trustees and the secretary-treasurer, who shall have a right to attend, or to be represented thereat.* R. S. Q., art. 2121.

* *Held* :—1. That no action to account lies against a secretary-treasurer who has already rendered his account and has received a discharge, unless fraud or error be alleged, and that the commissioners are bound by the acts of their predecessors;

2. That if fraud or error be alleged, the commissioners, or trustees, must proceed by an action in reformation of the account rendered;

3. That disputes in such matters should be settled by the superintendent, whose decision has the force of an award of arbitrators. *The School Commissioners of Chambly vs. Hickey*. S. C., Montreal, 1857, Judges Jay, Smith, and Chabot.—L. C. J., vol. 1, p. 189, and *The School Commissioners of St. Michel de Vaudreuil vs. Bastien*. S. C., Montreal, 1859, Judge Smith.—L. C. J., vol. 4, p. 123, and *Ouimet vs. Normandin*. C. Q. B., Montreal, 1884.—L. N., vol. 8, p. 11.

Held :—That the superintendent has no jurisdiction in the revision of the accounts of a secretary-treasurer, whose resignation has been accepted and a discharge granted him by his employers.

That the superintendent has no authority in law to set aside a discharge granted to such secretary-treasurer, but such discharge must be set aside by a competent tribunal.

That the action to have the sentence of the superintendent declared executory, must show that he had the power to render such sentence, and that his jurisdiction appears on the face of the proceedings. *The School Commissioners of Roxton Falls vs. Beauchemin*. S. C., Bedford, 1883. Judge Buchanan.—L. C. J., vol. 27, p. 109.

Held :—That in the case of difficulties between the school

332. The superintendent, whether he has examined the accounts himself, or has had them examined by his delegate, shall deliver judgment after mature deliberation, which, as in the preceding case, shall be entered in the book kept for that purpose, and shall have the force of an award of arbitrators between all parties and shall be authentic and final in all cases. R. S. Q., art. 2122.

333. Every secretary-treasurer in office, or who has vacated that office, who has accounted to the school commissioners or trustees who appointed him, but whose accounts have not been admitted, or who has been prevented from so accounting by any cause whatsoever beyond his control, may, by written notice served upon their chairman by a bailiff, call upon the commissioners or trustees to appoint, within eight days, an auditor, to examine and audit the said accounts, and, if he be so appointed, the said auditor shall proceed in the manner above provided in article 324 and following articles. In default of the school commissioners or trustees making such appointment, or in default of the

commissioners and their secretary treasurer, the examination of the accounts of the latter, at a meeting regularly called at which only two school commissioners were present, is equivalent to an examination in the presence of the commissioners (in regular meeting assembled) and of the secretary-treasurer, duly summoned to be present at the examination. *The School Commissioners of Rimouski vs. Grondin.* C. Q. B., Quebec, 1884.

Held:—That art. 16, cap. 6, 41 Vict. (art. 2121 R. S. Q., or art. 331, sec. 4 of this Code), providing for the settlement of difficulties between school commissioners (or trustees) and their secretary-treasurer, by giving the superintendent's decision, the force of an award of arbitration has a retroactive effect with respect to a secretary-treasurer who had ceased to be in office before the passing of said law.

That the presence of the commissioners (or trustees) is not necessary at the examination of the accounts. *Pineau vs. The School Commissioners of Rimouski.* C. Q. B., Quebec, 1884.

person so appointed taking proceedings, the secretary-treasurer shall apply, by petition to the superintendent, who shall then proceed in the manner provided by article 328 and following.* R. S. Q., art. 2123.

334. Whenever the superintendent is assured that a secretary-treasurer's accounts have not been rendered, or, if having been rendered, that they are informal, irregular, illegal, fraudulent or erroneous, he may, in his own individual name, sue, before any court of competent jurisdiction, any such secretary-treasurer in an action to account, or in reformation or correction or revision of the account so rendered.

He may demand that all agreements entered into between school commissioners or trustees and the secretary-treasurer, or any other persons, with reference to such accounts or their rendering be set aside, annulled or modified in whole or in part. R. S. Q., art. 2124.

335. The superintendent shall not enter into any suit of the kind mentioned in the preceding article before having made a demand upon such school commissioners or trustees, as the case may be, by a notice signed by the superintendent, and served upon them by a bailiff of the Superior Court, who shall serve such notice upon the persons mentioned therein in person or at their domicile, to institute such action themselves, within the delay indicated in such notice. After such delay has expired, if the commissioners or

* *Held* :—That the secretary-treasurer of a Board of School Commissioners (or Trustees), or his representative, cannot sue the Board for a certain sum, alleging that such is the balance due to him, if his accounts have not previously been rendered. *Dorais vs. The School Commissioners of Warwick*. Q. Q. B., Quebec, 1877.—R. L., vol. 9, p. 161.

trustees have not instituted the action, the superintendent shall do so.* R. S. Q., art. 2124.

336. The superintendent may intervene in any suit of the kind mentioned in the two preceding articles, brought by the said commissioners or trustees, to watch the judicial proceedings and advance them, if there be occasion. R. S. Q., art. 2124.

337. The suits or interventions of the superintendent in virtue of the preceding articles shall be at the expense of the school commissioners or trustees. R. S. Q., art. 2125.

338. The sureties of any secretary-treasurer may also be made parties to any action brought against a secretary-treasurer by the superintendent. R. S. Q., art. 2126.

339 If the commissioners or trustees neglect so to do, after having been put in default in the manner above prescribed, the superintendent may, in his own name, sue any secretary-treasurer in or out office, for the recovery from him of any sum of money which belongs to the school commissioners or trustees, arising from the government grants, the collection of school

* *Held*.—That if after the superintendent has ordered school commissioners (or trustees) to institute an action, in the Civil Courts, against their secretary-treasurer, they neglect or refuse to do so, he may take an action himself.

That commissioners (or trustees) cannot take an action, in the civil courts, against a secretary-treasurer retiring from office, unless they have received an order from the superintendent to do so. *School Commissioners of Kamouraska vs. Langlais*. C. Q. B., Quebec, 1885.—Q. L. R., vol. 11, p. 379.

Held.—That, under art. 36, cap. 22, 40 Vict., as amended (art. 2124 R. S. Q., art. 335 this code) an action may be taken, against a secretary-treasurer, by the superintendent, only after the commissioners, or trustees, have been duly ordered by him to bring suit, and have refused or neglected to do so. *Ouimet vs. Normandin*. C. Q. B., Montreal, 1884.—L. N., vol. 8, p. 11.

taxes, monthly fees and other sources, or other school dues received by him during the term of his office. R. S. Q., art. 2127.

SECTION VI.

VALUATORS.

340. In all places where a valuation of property has been made by order of the municipal authorities, such valuation shall serve as the basis of the taxes to be imposed under the authority of this law; and the secretary-treasurer of the municipal council shall, on demand, furnish to the school commissioners or trustees a copy of any such valuation.

But, if no such valuation have been made, the school commissioners or trustees may cause the same to be made by three persons appointed for that purpose.* R. S. Q., art. 2128. (*See Form No. 9.*)

341. If there be no existing property valuation, either for the county or for the particular municipality in question, upon which school taxes can be based, or if the persons, in whose hands such valuation is deposited, refuse, or neglect, after having been thereunto required by ten days' notice in writing, to deliver to the school commissioners or trustees of a school municipality entitled thereto, or to their secretary-treasurer, the original

* *Held* :—That the collection roll for school purposes is not affected by the nullity of the municipal valuation roll.

That the right which a municipal council has of amending a valuation roll, implies that of changing and modifying it, and even of making a new roll. That the duty imposed upon municipal councils to have a valuation roll made every three years, does not prevent them from making a roll before the expiration of this delay. *School Commissioners of Hochelaga vs. Hudon et al.* S. C., Montreal, 1877. Judge W. Dorion.—R. L., vol. 10, p. 113.

of the said valuation or a certified copy thereof,—(which copy, being so certified to be true by the person so having the custody of the original, shall be *prima facie* evidence of the contents thereof,)—the school commissioners or trustees may, at all times after such refusal or neglect, cause such property valuation to be made by three valuator to be appointed and authorized by them for that purpose.* R. S. Q., art. 2129. (*See art. 348.*)

342. If, within one month after their election or appointment, the said commissioners or trustees neglect to give the notice required by the preceding article, to obtain either the original or a copy of the said valuation,—or if, within three months next after their said election or appointment, they neglect to cause the said valuation to be made in their school municipality in the cases mentioned in the preceding article—each of the commissioners or trustees shall be liable to a penalty of ten dollars for having neglected to give the said notice, and to a further penalty of one dollar, for each and every day that the commissioners or trustees have been in default in causing the said valuation to be made. R. S. Q., art. 2130.

343. When a school municipality has been formed and includes parts of other municipalities, and when the valuation roll in force, in each of these latter municipalities is not uniform, or the valuation of property is higher in one than in the other, the school commissioners or trustees of the new school muni-

* *Judgment upon the interpretation of art. 365 of the Municipal Code, bearing upon art. 2129, R. S. Q.*

Held:—That a valuation roll made by three valuator of whom only two were legally appointed is null. Rolfe et al. vs. Corporation of the Township of Stoke. C. Q. B., Montreal, 1880.—L. C. J., vol. 24, p. 213.

pality shall cause a valuation roll of the property situated in the school municipality to be made by three competent persons who shall act as valuers.

2. When the valuation roll is completed, the valuers deposit it in the office of the secretary-treasurer of the school commissioners or trustees, who shall give public notice of such deposit. R. S. Q., art. 2132, §§ 1 and 2, as amended by 53 Vict., chap. 27, art. 9.

344. During the twenty days following the notice mentioned in the preceding article, any person interested may inspect* the valuation roll which at the expiration of these twenty days, shall be *de facto* homologated, but the commissioners or trustees may amend it when they deem it expedient so to do, after having given eight days' public notice of the day and hour of the meeting at which such amendment will be made.

2. Such roll, being certified by the valuers in presence of a justice of the peace, who shall sign it, shall become and be the valuation roll which shall serve as a basis for the collection roll of the school commissioners or trustees, and it shall remain in force until the municipal authorities make one according to law R. S. Q., art. 2131, §§ 2, 3 and 4.

345. If a valuation applicable to the levying of school taxes is in existence, and the persons in posses-

* *Held*:—That the valuation roll of a municipality must be deposited for revision within the limits of the municipality to which it refers, and that if it be deposited without the limits of the municipality an action to recover school taxes will be dismissed *sauv à se pourvoir*. *School Commissioners of St. Roch, de Québec-Nord vs Rousseau*. C. C., Québec, 1863, Judge Tasche-reau.—L. C. R., vol. 14, p. 93.

sion thereof refuse or neglect to hand over and deliver as aforesaid either the original or the copy so certified, within ten days after being thereunto required, every such person shall, for such refusal or neglect, incur a penalty of twenty dollars. (*See Form No. 9.*)

2. For every such copy so duly certified and delivered, such person shall be entitled to receive from the school commissioners or trustees the sum of ten cents per hundred words and fifty cents for the certificate if not otherwise fixed in virtue of the Municipal Code.

3. But whenever the valuation to be copied comprises a larger territorial extent, a copy of so much thereof as relates to such school municipalities shall be sufficient. R. S. Q., art. 2132.

346. The persons authorized to make the property valuation, upon which school taxes in any municipality are to be based, have the right to enter at all times in and upon any property to inspect the said property, and to require from the proprietor or occupant any information calculated to aid in the making and completing of the valuation; and, in case of any obstruction, or refusal to allow any such persons to effect such valuation, or to give them such information, every person so obstructing or refusing shall incur a penalty of four dollars. R. S. Q., art. 2133.

347. When a property valuation, upon which school taxes are based in any school municipality, is once made, it shall be amended by that authority only which ordered it to be made.

The taxes, based on such valuation, shall not be amended, except by the school commissioners or trustees; it may be amended at any time during their term of office. R. S. Q., art. 2134.

348. No person shall act as valuator for school purposes unless he is a proprietor of real or personal property in the municipality in which he so acts to

the amount of four hundred dollars; and whosoever without such qualification, so acts, shall incur a penalty of ten dollars, unless such valuator be otherwise exempt by law from possessing such qualification.* R. S. Q., art. 2135.

SECTION VII.

SCHOOL TAXES AND CONTRIBUTIONS.

§ 1.—*Imposition of School Taxes.*

349. School taxes shall be imposed between the first day of July and the first day of September in each year, and shall be paid at any time on demand, provided public notice be given at least thirty days before enforcing payment of the same.† R. S. Q., art. 2136.

* *Judgment upon the interpretation of art. 374, Municipal Code, bearing upon art. 2135, R. S. Q.*

Held :—That a collection roll is null, if the valutors did not possess the property qualification required by law, if they did not take the required oath, or if they did not sign the roll. *Patton vs. The Corporation of St. Andrew of Acton.* S. C., St. Hyacinthe, 1868, Judge Sicotte.—L. C. J., vol. 13, p. 21.

Held :—That the want of qualification of the valutors does not give ground for an action for damages on behalf of a rate-payer, when an execution, followed by a sale, issues against him for school taxes, based on a valuation roll made by such valutors. *Barette vs. The School Commissioners of the Parish of St. Columban.* C. C., Ste. Scholastique, 1875, Judge Johnson.—R. L., vol. 7, p. 185.

† *Held* :—That, though the law prescribes the time during which school taxes should be imposed, yet they may be validly imposed after the last date mentioned in art. 349. *School Commissioners of St. Norbert vs. Crépeau.* C. R., Quebec, 1885.—Q. L. R., vol. 11, p. 119.

Held :—That the rate-payers of a school municipality may refuse to pay taxes for the support of a neutral or non-sectarian school. *School Commissioners of Tewkesbury vs. Corrigan.* C. C., Quebec, 1880, Judge Casault.—Q. L. R., vol. 6, p. 24.

Judgment upon the interpretation of art. 948, Municipal Code, bearing upon art. 2136, R. S. Q.

Held :—That municipal taxes are not payable day by day,

350. No school tax shall be held null or be set aside, by reason of its having been made or published after the time prescribed by law. R. S. Q., art. 2136, § 2.

351. School commissioners or trustees and their secretary-treasurer may, in their discretion, receive the amount of such taxes and monthly fees, in produce, at prices to be fixed by them. R. S. Q., art. 2136, § 3.

352. The notice given in the manner prescribed by art. 160, for the holding of general meetings, stating that the collection roll is in the hands of the secretary-treasurer for inspection, shall be a sufficient publication and notice. R. S. Q., art. 2136, § 4. (*See Form No. 10.*)

353. The collection roll shall remain in the hands of the secretary-treasurer for inspection for at least thirty days after notice has been given.* R. S. Q., art. 2136, § 5.

354. The school commissioners or trustees must, within ten days after the delay of thirty days, mentioned in the preceding article, even though no complaint has been made, examine and amend the collection roll, rectify the errors made in transcribing the valuations or the names of persons taxed, and the

but are indivisible, and are due by the person, who, at the time of the imposition of such tax, is owner and possessor of the immoveable subject to assessment.

That the fact that a person not proprietor of an immoveable had been entered on the assessment roll as proprietor of an immoveable, does not make him a rate-payer. *Hogan vs. The City of Montreal*. C. Q. B., Montreal, 1884.—M. L. R., vol. 1, p. 60, and L. N., vol. 7, p. 378.

* *Held* :—That a rate-payer, who wishes to complain of the amount imposed upon his property, should do so during the thirty days during which the collection roll remains in the hands of the secretary-treasurer. *School Commissioners of Acton vs. The Grand Trunk Railway Co.* C. C., St. Hyacinthe, 1854, Judge McCord.—M. C. R., p. 94.

descriptions of lands entered therein, or in the calculations of the taxes, insert names of persons and descriptions of lands which may have been omitted, and strike therefrom those which may have been erroneously inserted. R. S. Q., art. 2136, § 6.

355. The school commissioners or trustees must, in the notice of the deposit of the collection roll, inform the rate-payers of the day and hour and place of the meeting, at which they will proceed to the examination and amendment of the roll. R. S. Q., art. 2136, § 7.

356. Any rate-payer may demand that the collection roll be amended in any of the particulars above-mentioned, either by producing a complaint in writing before or upon the day fixed for the examination, or by stating his complaint verbally at the examination.

The school commissioners or trustees must take into consideration all complaints made verbally or in writing and hear all interested persons present. R. S. Q., art. 2136, § 8.

357. Any amendment made to the collection roll must be entered upon it or on a paper annexed thereto with the initials of the secretary-treasurer.

A declaration testifying to the accuracy of the amendments and determining the number thereof must be entered upon or annexed to the collection roll, under the signatures of the chairman and the secretary-treasurer; after which the said roll comes into force and the said taxes may be collected.* R. S. Q., art. 2136, § 9

* *Held* :—That when no amendments have been made to a school tax collection roll, by the commissioners, and when no complaints have been made, such roll comes into force, without any other formality, thirty days after notice of its deposit has been given. *School Commissioners of St. Norbert vs. Crépeau*. C. R., Quebec, 1885.—Q. L. R., vol. 11, p. 119. (This decision, given under § 2 of art. 13, 40 Vic., should apply to § 9 of art. 2136, R. S. Q., because of the modifications produced by art. 83, chap. 36, of 51-52 Vic.)

§ 2.—Collection of Taxes by means of Seizure.

358. After the expiration of twenty days from the said delay of thirty days, prescribed by article 353, the collection of the school taxes may be enforced by the school commissioners or trustees either by suit or prosecution, or by a warrant of distress, or by adjudication and sale by the municipality of the property liable for such school taxes.* R. S. Q., art. 2137.

* *Held* :—That a usufructuary is responsible for the taxes. *The Corporation of the City of Montreal vs. Conant*. S. C., Montreal, 1872, Judge Baudry.—R. C., vol. 2, p. 482.

Held :—That the Corporation of the City of Montreal, in exacting under threat of execution, the tax imposed by a collection roll apparently clothed with all legal formalities, but which was subsequently set aside by the courts, was not in "bad faith" within the meaning of art. 1049 of the Civil Code, and therefore was not bound to pay interest on the money from the time of receiving it, but only from the date of the action *en répétition*. *Wilson et al. vs. The City of Montreal*. C. Q. B., Montreal, 1880.—L. C. J., vol. 24, p. 222.

Held :—That a corporation's claim is extinguished as regards the debtor personally, by the sale through an assignee, of the hypothecated property.

That a corporation is liable in damages for an illegal seizure of the debtor's effects in these circumstances.

That in an action for damages against a corporation for an illegal seizure, the corporation is not entitled to a month's notice of action under art. 22 Code of Civil Proc. *Blain vs. The Corporation of Granby*. C. R., Montreal, 1873.—R. L., vol. 5, p. 180.

Held :—That municipal corporations are strictly bound to follow the formalities prescribed by law, to have the right of exacting from the rate-payers the payment of their taxes, and, particularly, when they want to seize the defendant's moveables;

That the public and private notices, which municipal corporations must give, are formalities, which take the place of the ordinary legal procedure which it is necessary to follow to have the right of seizing the moveables of a debtor.

That in an action for damages by a rate-payer, against a corporation for illegal seizure of his goods, the corporation must

359. Before proceeding to the collection of school taxes by warrant of distress, and to the adjudication and sale of the lands liable therefor of rate-payers, the secretary-treasurer shall make a demand of payment of the school taxes entered in the collection roll and remaining uncollected from the persons liable for the same, by serving or causing to be served upon them a special notice to that effect, accompanied by a detailed statement of the sums due by them. R. S. Q., art. 2137, § 2.

360. Such service is effected, as respects resident rate-payers, by leaving a copy of the special notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile, or place of business.

2. As respects non-resident rate-payers, by depositing in the post-office, in or nearest to the school municipality, a copy thereof in a sealed and registered

prove that the seizure was legal, and that all the formalities required by law were strictly observed, notwithstanding the fact that such rate-payer in his declaration had simply alleged that the seizure was illegal and malicious, without making any specific accusation of non-observance of formalities. *Matthews vs. The City of Montreal*. C. Q. B., Montreal, 1870.—R. L., vol. 1 p. 610.

Held :—That a writ of prohibition does not legally lie against a corporation, to stay proceedings on a warrant of distress signed by the mayor to compel payment of taxes. *Blain vs. The Corporation of Granby*. C. R., Montreal, 1873.—R. L., vol. 5, p. 180.

Held :—That a corporation, which has the right to issue warrants for the payment of taxes due to it, is an inferior tribunal to which writs of prohibition will lie when it has exceeded its jurisdiction. *James Armstrong*, petitioner for prohibition. S. C., Richelieu, 1869, Judge Loranger.—R. L., vol. 1, p. 48.

Held :—That a writ of prohibition does not lie where no excess of jurisdiction appears on the face of the proceedings. *The Mayor et al. of Sorel vs. Armstrong*. C. Q. B., Montreal, 1875.—L. C. J., vol. 20, p. 171.

envelope, addressed to the individual for whom it is intended at the place of his residence or business.*

3. The fee for such special notice and that for its service shall be fixed by resolution of the school commissioners or trustees. R. S. Q., art. 2137, § 3. (See *Form No. 11.*)

361. If, after the fifteen days next following the demand made by such special notice, the sums due and specified therein have not been paid, with the costs incurred thereby, the secretary-treasurer may levy them by seizure and sale of the goods and chattels of the persons liable therefor which may be found within the limits of the school municipality. R. S. Q., art. 2137, § 4.

362. The seizure and sale mentioned in the foregoing article are made under a warrant signed by the chairman of the school commissioners or trustees and addressed to a bailiff, who executes it under his oath of office, and according to the same rules and under the same responsibilities and penalties, as a writ of execution *de bonis* issued by the Circuit Court.† R. S. Q., art. 2137, § 5. (See *Form No. 12.*)

* *Held*:—That a demand of payment of taxes addressed to a wife separate as to property, and transmitted to her in an envelope, addressed to her husband, is sufficient; that the Circuit Court has jurisdiction in these cases, no matter what the amount. *The Corporation of the Village of Bienville vs. Gillespie et vir.* C. C., Québec, 1880, Judge Casault.—Q. L. R., vol. 6, p. 346.

† *Held*:—That in the case of seizure of household furniture for school taxes there are no legal exemptions, and that every article of furniture without exception can be sold. *Drolet vs. The School Commissioners of Roxton.* C. C., Waterloo, 1867, Judge Johnson.

Held:—Where goods belonging to plaintiff, *separée de biens*, were seized in the conjugal domicile for taxes due by her husband, that the goods were not in possession of the husband within the meaning of the statute, as cohabitation does not de-

363. The chairman of the school commissioners or trustees in giving and signing such warrant does not incur any personal responsibility; he acts under the responsibility of the school corporation, in whose interest the distress is made. R. S. Q., art. 2137, § 6.

364. The day and place of sale of the goods and chattels so seized must be announced by the bailiff by public notice in the manner prescribed for the judicial sale of moveables.

Such notice must also state the names and quality of the rate-payers whose goods and chattels are to be sold. R. S. Q., art. 2137, § 7, (*See Form No. 13.*)

365. If the rate-payer is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the bailiff may, by an order of the chairman of the school commissioners or trustees, or of any justice of the peace, cause the same to be opened by the usual means in presence of two witnesses, with all necessary force. R. S. Q., art. 2137, § 8.

§ 3.—Oppositions to Seizure.

366. Any rate-payer, who has been required to pay as school taxes a larger sum than he owes, or who has already paid, and any person having a right of ownership or a privilege on the property seized, as the case may be, may oppose the seizure and sale. R. S. Q., art. 2138.

stroy the separate possession which pertains to the wife separated as to property. *Green et vir. vs. The City of Montreal*. S. C., Montreal, 1887, Judge Johnson.—L. C. J., vol. 22, p. 128.

Held:—That an action for damages may be taken against a corporation for an illegal seizure of moveables. *Blain vs. The Corporation of Granby*. C. R., Montreal, 1873.—R. L., vol. 5, p. 180.

367. The opposition to the seizure and sale must be supported by an affidavit attesting the truth of the allegations it contains, and be allowed by a judge of the Superior Court or the clerk of the Circuit Court of the county or district, or the clerk of the magistrates' court in the district in which the municipality is situated, who shall endorse thereon or annex to it an order to the bailiff to return the warrant of distress and all his proceedings to the court whence issued the writ, within eight days from the service, if issued by the Circuit Court, or at the next sitting of the magistrates' court if issued by it. R. S. Q., art. 2138, § 2.

368. The permission mentioned in the preceding article shall not be granted unless a deposit of five dollars be made in the office of the secretary-treasurer or of a sum equal to that claimed in and by the warrant, if such sum does not exceed five dollars. R. S. Q., art. 2138, § 3.

2. Such sum shall be returned to the person who paid the same if the opposition is declared valid; if not, it shall go towards the payment of the costs incurred. R. S. Q., art. 2138, § 4.

369. On the service of an opposition and order on him as above mentioned, the bailiff must stay his proceedings, and he must return the warrant of distress and all his proceedings thereon before the court mentioned in the order within the eight days next following the service. R. S. Q., art. 2138, § 5.

370. If the opposition is to the payment of the proceeds of any sale, the bailiff must pay over the money in his hands, after deduction of the costs of seizure and sale, to the secretary-treasurer, who receives the same on deposit. R. S. Q., art. 2138, § 5.

The opposition is subsequently heard and decided according to the ordinary practice of the court. R. S. Q., art. 2138 § 6.

371. The proceeds of any sale are distributed by the court, and they are paid by the secretary-treasurer according to its order. R. S. Q., art. 2138, § 7.

372. When the opposition to any seizure is dismissed, the court orders the seizing bailiff or any other bailiff to proceed upon the warrant of distress, and, upon the delivery to him of this warrant and judgment, the bailiff proceeds with the sale of the goods and chattels seized. R. S. Q., art. 2138, § 8.

373. When no opposition to the distribution of the proceeds of the sale of the moveables seized is made, the bailiff returns the warrant and his proceedings thereon, and pays over the proceeds of the sale, after deduction of the costs of seizure and sale, to the secretary-treasurer, who applies such proceeds towards the payment of the school taxes, for which the warrant of distress was issued, and of the costs. R. S. Q., art. 2138, § 9.

If there be any surplus, it is paid by the secretary-treasurer to the rate-payer whose goods and chattels were sold. R. S. Q., art. 2138, § 10.

§ 4.—Annual statement of Taxes due.

374. If ordered by the school commissioners or trustees, the secretary-treasurer must prepare, in the course of the month of November in every year, a statement of the school taxes remaining due by absent rate-payers and by resident rate-payers, and at the same time a statement of the school taxes due by resident and absent rate-payers, with respect to whom either a warrant of distress or a writ of execution has been returned unsatisfied, and of any costs incurred and unpaid; showing the names and qualities of such rate-payers, and a description of the lands liable

according to the valuation and collection rolls. R. S. Q., art. 2139. (*See art. 413 and Municipal Code, art. 371, § 4.*)

375. Such statement shall be submitted to the school commissioners or trustees, and must be approved of by them.

It shall then be transmitted by the secretary-treasurer, before the twentieth day of December, to the secretary-treasurer of the county council; and the latter shall proceed to the sale and adjudication of the lands mentioned therein in the same manner and with the same effect as in the case of a statement of municipal tax arrears transmitted by the secretary-treasurer of a local municipality.

The secretary-treasurer of the county council shall pay over the amounts recovered to the secretary-treasurer of the school commissioners or trustees.* R. S. Q., art. 2140.

5.—Collection at the same time as Municipal Taxes.

376. Any local municipal council may accept from the school commissioners or trustees of any school

* *Held* :—That a personal action for arrears of school taxes can be taken only against the person who was the proprietor or occupant of an immoveable at the time when such taxes were imposed, and that the subsequent purchaser, or holder, cannot be personally sued for the recovery of arrears which had accrued previous to his becoming the proprietor, or *tiers détenteur*, of such immoveable.

That the costs of a suit for taxes brought against the proprietor of an immoveable cannot be recovered from the subsequent purchaser or holder, of such immoveable, by a personal action.

That such costs are a privileged claim like the tax itself, but that both tax and costs are a privileged claim only on the immoveable. *The School Commissioners of St. Bridgets vs. Murray. C. C., Iberville, 1886, Judge Chagnon.—R. L., vol. 14, p. 187.*

municipality, situated within the limits of the local municipality, the school collection roll, or a certified extract therefrom, and may, by resolution, declare that the collection of the school taxes shall be made at the same time and in the same manner as that of the municipal taxes. (*See Municipal Code, art. 952.*)

Any secretary-treasurer, thus charged with the collection of school taxes, shall hand over the entire amount, so soon as he has collected them, to the secretary-treasurer of the school commissioners or trustees entitled to receive the same. R. S. Q., art. 2141.

§ 6.—*New Taxes in certain cases.*

377. Whenever a general or special tax imposed by the school commissioners or trustees in any school municipality is annulled or set aside, the school commissioners or trustees shall forthwith, in a summary manner, cause a new tax to be imposed, which new tax shall be imposed and take effect in such municipality for the whole time, past and future, for which the tax so annulled or set aside would have been in force if it had been valid.

2. The annulling of a tax shall not have the effect of invalidating any payments made under the authority of the tax so annulled, but such payments shall go towards the discharge of the new tax for the period for which they have been made.

The tax so annulled shall be declared invalid for the future only, and not with regard to any judgments then already rendered to enforce such payments. R. S. Q., art. 2142.

§ 7.—*Collection of Taxes from Corporations and Incorporated Companies.*

378. The school commissioners for any school muni-

city shall alone have the power of levying taxes on the lands and real estate of corporations and incorporated companies; but they shall annually pay over to the trustees a portion of all the taxes levied by them on such corporations or companies, in the same proportion as the Government grant for the same year is divided between them and the said trustees.

2. The portion of taxes levied for the building of school-houses and for the payment of debts thus paid over to the trustees aforesaid, shall be set apart by them for the building or repairing of their own school-houses. R. S. Q., art. 2143.

379. No religious, charitable or educational institutions or corporations shall be taxed for school purposes on the property occupied by them for the objects for which they were instituted; but, on all property held by them or any of them for the purpose of deriving any income therefrom, they shall be taxed by the school commissioners or trustees of the religious majority or minority to which such corporations or institutions belong, and to the exclusive benefit of such majority or minority, or in conformity with the declarations which they or each of them may make to that effect.

When the religious body to which such corporations or institutions belong is not apparent, and where no such declaration has been made, then such last mentioned properties shall be dealt with in the same manner as provided in the preceding article for the properties of other corporations and incorporated companies.* R. S. Q., art. 2144. (See art. 245.)

* *Held* :—That a religious educational institution, having neither branch nor school in a municipality, in which it possesses real property, the products of which are consumed at the Mother House, situated in another municipality, holds such

380. Any non-resident proprietor may declare in writing to the school commissioners and trustees his intention of dividing his taxes between the schools of the majority and those of the minority.

In that case, the school commissioners shall continue to levy and receive such taxes, and shall pay over to the trustees such part and proportion thereof as the said proprietor may direct. R. S. Q., art. 2145.

§ 8.—*Special Taxes.*

381. The superintendent may order special taxes to be levied in any school municipality or district for the payment of the debts incurred by the school commissioners or trustees within the limits of their powers, or which have been adjudged by a court of justice to be due by such school municipality or district.

Whenever such debts have been contracted by a municipality subsequently divided into several municipalities, or the limits of which have been subsequently altered, the superintendent shall apportion the payment of such debt or debts equitably among the several municipalities liable for the same. R. S. Q., art. 2146, as amended by 53 Vict., chap. 27, art. 10.

property for the purpose of deriving a revenue therefrom, and not for the purposes of education, and that therefore such property is subject to municipal and school taxes. *The Corporation of the Village of St. Gabriel (Verdun) vs. The Sisters of The Congregation of Notre Dame.*—Supreme Court, 8 March, 1886.

Held:—That the exemption from municipal taxes enjoyed by educational institutions does not extend to taxes imposed for special purposes, as for the construction of a drain. *City of Montreal vs. The Seminary of St. Sulpice.* C. Q. B., Montreal, 1888.—L. C. J., vol. 32, p. 13, and M. L. R., Q. B., vol. 4, p. 1 (reversing judgment of Judge Torrance in S. C. on *réponse en droit*, M. L. R. S. C., vol. 1, p. 450), and final judgment, on the merits, Judge Loranger, (M. L. R. S. C., vol. 2, p. 265, and L. N., vol. 9, p. 358.)

382. Whenever a copy of judgment condemning a school corporation to pay a sum of money has been served at the office of the secretary-treasurer of such school corporation, he must forthwith convene a meeting of the school commissioners or trustees, who must order the payment of the judgment out of any funds at their disposal appropriated for that purpose.

If there are no funds appropriated for that object, or if those at their disposal are insufficient, they must apply to the superintendent for authorization to levy a special tax to pay the amount of the judgment. R. S. Q., art. 2147.

383. If the superintendent authorize the levying of such special tax, steps shall be taken without delay by the school commissioners or trustees, to prepare a special collection roll, in the manner and with the formalities required for completing an ordinary collection roll. R. S. Q., art. 2148.

384. In each of the following cases the judgment creditor, on production of the return of service of a copy of the judgment, and of one or more affidavits to the satisfaction of the court or judge establishing proof of the non-performance of one or other of the provisions in the preceding article, may obtain the issue of a writ of execution against the school corporation in default :

1. If the superintendent does not furnish the authority within fifteen days from the time when it is demanded from him ;
2. If the amount of the special tax which he has authorized to be levied has not been collected ;
3. If the school commissioners or trustees have not proceeded to complete such roll within the fifteen days following the date of the authorization by the superintendent ;
4. If the school commissioners or trustees refuse or

neglect in any manner to proceed with the completion of the roll, to impose the tax, or to collect it, in whole or in part. R. S. Q., art. 2149.

385. The court which has rendered the judgment, or a judge of such court, may, on petition, grant to the superintendent, or to the school commissioners or trustees, the delay deemed necessary by the court or judge for completing the special collection roll, or for levying the sums of money specified therein, or for any other purpose connected with such roll. R. S. Q., art. 2150.

386. The writ of execution, issued under article 384, is addressed and delivered to the sheriff of the district in which the school municipality in question is situated, and enjoins him :

- 1 To levy from the school corporation, with all possible despatch, the amount of the debt with interest and the costs of the judgment and of the execution ;

2. In default of immediate payment by the school corporation, to seize and sell any moveable property held by it, and any real estate belonging to it upon which the judgment creditor may have a privilege or hypothec, and of which the seizure and sale may be ordered by such judgment. R. S. Q., art. 2151.

387. In the event of there being no real or personal property belonging to the school corporation to be seized and sold, or in the event of any such property being insufficient to satisfy the judgment, on the production of the return of the sheriff to the court to that effect, or after the homologation of the judgment of distribution establishing its insufficiency, an *alias* writ of execution may be issued against the said school corporation in default addressed to the sheriff and enjoining him :

1. To levy from the school corporation the whole or the sum remaining due, as the case may be, of the debt, with interest and costs, including those of the

judgment and the subsequent costs incurred, by apportioning the sum required on all the rateable real property, in the school municipality, liable for the judgment, in proportion to its value;

2. To collect the tax imposed by him; and to make a return to the court of the amount levied and of his proceedings as soon as the amount of the debt, interest and costs has been collected, or from time to time as the court may order. R. S. Q., art. 2152.

388. The sheriff shall, on payment of the usual fees, procure a copy of the valuation roll in force from the secretary-treasurer of the local municipality in which the school municipality is situated, and on the refusal or neglect of the secretary-treasurer to furnish such copy, the sheriff is authorized to take possession of the valuation roll and to make a copy or to cause one to be made.

If the sheriff cannot obtain the valuation roll, or if none exist, the sheriff proceeds to make a valuation of the taxable property himself. R. S. Q., art. 2153.

389. The fees and costs of the sheriff on the execution of the writ of execution shall be fixed by an order of the court or of a judge thereof; and such fees and costs, with all lawful disbursements, are added to the amount to be levied. R. S. Q., art. 2154.

390. The sheriff shall proceed to apportion the sum to be levied on all the rateable real property in the school municipality in proportion to its value by the copy of the valuation roll in force, or by the valuation made by himself as the case may be; and he shall make a special collection roll of such apportionment. R. S. Q., art. 2155.

391. The sheriff shall publish such special collection roll in the manner required by article 352 and following, and on the day fixed for such purpose, he shall hear and decide all complaints made either in

writing or verbally by the rate-payers, and shall make, in accordance with the said articles, such amendments to the special collection roll as he may deem right.

Such special tax shall become payable at the sheriff's office at the expiration of the delay of thirty days. R. S. Q., art. 2156.

392. After the expiration of twenty days from the said delay of thirty days, the sheriff shall collect the amount entered on the special collection roll. R. S. Q., art. 2157.

393. The sheriff shall make a demand of payment of the uncollected special rates, by causing a special notice to be served upon the rate-payers in default, with a statement of the sums due by them respectively, in the manner provided by article 360. R. S. Q., art. 2158.

394. If, after the fifteen days next following the service of such special notice, the sums due and specified therein have not been paid, with the costs incurred thereby, the sheriff shall issue a warrant of distress to a bailiff, who shall execute the same in the manner prescribed by article 359 and following; but the bailiff shall pay the proceeds of the sale made by him to the sheriff instead of to the secretary-treasurer. R. S. Q., art. 2159.

395. Any rate-payer, and any person having a right of property in or a privilege over the moveables and effects seized, may make an opposition to the seizure or sale or to the payment of the proceeds thereof, for the causes, in the manner and to the ends mentioned in article 366 and following. R. S. Q., art. 2160.

396. The sheriff shall collect the unpaid taxes of the resident rate-payers from whom it has been impossible to collect by distress on their goods and chattels, and those of non-resident rate-payers by the

sale and adjudication made by him of their lands for the amounts for which such lands are respectively liable, on the first Monday of March in any year, in the manner and according to the rules laid down for the sale of real estate for arrears of municipal taxes and with the same effect, after having himself given or caused to be made or given the publications and notices required to be made or given by the secretary-treasurer of the county council. R. S. Q., art. 2161.

397. If any land advertised to be sold by the sheriff is advertised to be sold on the same day by the secretary-treasurer of the county, the latter cannot sell the land, but must forthwith transmit to the sheriff a statement of his claim and costs, which the sheriff shall levy with the special tax, and shall hand over to the secretary-treasurer. R. S. Q., art. 2162.

398. The redemption of lands sold by the sheriff shall be effected with him; and, in default of such redemption, he shall give the deed of sale. R. S. Q., art. 2163.

399. The sheriff must transmit a copy of his special collection roll, showing thereon what amounts have been collected, to the school commissioners or trustees, after having levied the whole amount set forth in the *alias* writ of execution, with interest and costs.

If any surplus remain in the hands of the sheriff it shall also belong to the school corporation and must be paid over by him to it. R. S. Q., art. 2164.

400. All arrears shall belong to the school corporation, and may be recovered in the same manner as ordinary taxes. R. S. Q., art. 2165.

401. The sheriff may obtain from the court any order calculated to facilitate and ensure the execution of the writ. R. S. Q., art. 2166.

402. The sheriff shall be entitled with respect to

the special notices to rate-payers, to such fees and disbursements as may be fixed by an order of the court or of a judge thereof, and with respect to the sale and adjudication of lands, to the same fees and disbursements as the secretary-treasurer of the county. R. S. Q., art. 2167.

403. If judgment be rendered for a debt due for the building of a school-house for which a portion only of the school municipality is liable, the judgment, the writ of execution and the *alias* writ of execution shall mention such fact.

The tax in such case shall be imposed only upon the real property situated in that part of the school municipality which is liable under the judgment. R. S. Q., art. 2168.

404. If the school corporation against which any judgment has been rendered, ordering the payment of any sum of money, hold any real estate, other than school-houses, which is not affected by privilege or hypothec in favor of the judgment creditor, such property may, with the authorization of the superintendent, be seized and sold in the ordinary manner prescribed in the Code of Civil Procedure.

The moveable effects of the school corporation in the possession of a third party and debts due to it may also be attached and sold in the same manner. R. S. Q., art. 2169.

§ 9.—Voluntary Contributions.

405. When, in any school municipality, the valuation of property has been duly made, and the school tax based upon the said valuation has been imposed before the first of September in any year, for the then following school year, the persons so taxed, or any other of the inhabitants of such school municipality or

school district, may, in the said month of September, pay, as a voluntary contribution into the hands of the secretary-treasurer, the sum required for the school year then commenced, to equal the amount of public moneys granted to such municipality out of the school fund, for the said school year. R. S. Q., art. 2170.

406. The payment of such voluntary contribution shall be attested on oath before a justice of the peace, by the secretary-treasurer and by the chairman or some other of the school commissioners or trustees of the said municipality, and such attestation shall be transmitted to the superintendent before the tenth day of November. R. S. Q., art. 2171.

407. The secretary-treasurer shall not receive the amount of the said voluntary contribution by portions or otherwise than in one and the same payment.

He shall hold the said amount in lieu of the fund which would have been raised by taxation for the school year so commenced, and the said tax shall thereupon be inoperative for that year in such school municipality or district; but the monthly school fees, and any tax imposed for the erection of school-houses, shall be levied upon the school municipality or district, when they have not been voluntarily paid. R. S. Q., art. 2172.

SECTION VIII.

COMMON SCHOOL FUND.

§ 1.—*Distribution and Application of Common School Fund.*

408. The sums constituting the common school fund of the Province may be paid to the superintendent in two semi-annual payments, under two account-

able warrants to the Provincial Treasurer to be issued by the Lieutenant-Governor.

The superintendent shall deposit the said sums in such bank as the Lieutenant-Governor in Council may direct, and shall apportion the same according to law among the municipalities; he shall pay to the school commissioners and trustees the respective shares belonging to the municipalities they represent, by cheques drawn upon such bank and made payable to their order, and shall account according to law for such moneys. R. S. Q., art. 2173

409. The superintendent shall pay their respective shares to the several boards of school commissioners and trustees in two semi-annual payments.

The school commissioners and trustees may direct the payment, out of the general or local school fund in their hands, of such contingent expenses as are not specially provided for by this law. R. S. Q., art. 2174.

410. To entitle any school to its share of the general or local school fund, it shall be requisite and sufficient:

1. That it has been under the management of school commissioners or trustees in the manner directed by this law;

2. That it has been in actual operation during at least eight months;

3. That it has been attended, saving always article 411, by at least fifteen children (periods of epidemic or contagious diseases excepted);

4. That reports have been made to the school commissioners or trustees, by the teacher, and by at least two of the commissioners or trustees;

5. That a public examination of the school has taken place;

6. That a report signed by the majority of the school commissioners or trustees, and by the secretary-treasurer, has been transmitted to the superintendent,

every six months, the first before the fifteenth day of January and the second before the fifteenth day of July, in each year;

7. That a sum equal to the grant made by the Legislature for the municipality has been raised as herein provided, saving article 413, respecting poor municipalities;

8. That teachers with diplomas have been employed therein;

9 That the teachers have been paid every six months;

10. That only those books authorized by the Roman Catholic or Protestant Committee of the Council of Public Instruction have been used;

11. That the regulations of the Council of Public Instruction or of the Roman Catholic or Protestant Committee, as the case may be, and the instructions of the superintendent have been observed R. S. Q., art 2175.

411. If, however, the school commissioners or trustees have endeavored in good faith to carry out the law in a municipality, a share of the school funds may be allowed for each school where there are at least fifteen children of school age in the district, although the school has not been attended by that number throughout the school year. R. S. Q., art. 2176.

412. The school commissioners or trustees, who have *bonâ fide* engaged a teacher for any school district, may pay to such teacher the remuneration agreed upon, although the number of children who have regularly attended the school has not been sufficient according to the provisions of paragraph 3 of article 410. R. S. Q., art. 2177.

413. Although, in poor municipalities, the amount of the tax actually levied falls short of the amount required by law, if the school commissioners or trus-

tees have, in good faith, carried into execution the provisions of the law, the superintendent may, upon a representation to that effect, and upon proof of the facts to his satisfaction, exempt such municipalities, or any of them, from the payment of the whole or of part of the tax for the current year, and in that case he may grant them the amount to which they would otherwise be, respectively, entitled out of the common school fund; but such exemption shall not be granted, unless such representation be supported in writing by three of the school visitors of the municipality in question (other than the school commissioners or trustees), or of the neighboring municipalities, who must certify that they have a personal knowledge of the facts alleged, that the school laws have been *bonâ fide* enforced in such municipality, and that they have themselves visited the schools therein, and are satisfied therewith. R. S. Q., art. 2178.

414 The sum annually voted by the Legislature in aid of poor municipalities shall be distributed by the superintendent according to the division made by him, and which has been approved by the Committee of the Council of Public Instruction of the religious faith to which such municipalities belong. R. S. Q., art. 2179.

415. Any sums of money which have not been specially appropriated by provision of the donors, vendors, or others, and all sums arising from the allowance for schools, school taxes, and from any source other than monthly fees, shall form the school fund in each municipality under the control of commissioners or trustees, respectively, and shall be divided, distributed, and employed by them:

1. Either in proportion to the number of children from seven to fourteen years in each school district residing therein and capable of attending school, or

2. By making a common fund, out of which the

school commissioners or trustees shall pay the expenses occasioned by the payment of teachers' salaries, the maintenance of school houses, the purchase of books, school furniture, and other contingent expenses. R. S. Q., art. 2180.

416. The school commissioners or trustees, after having adopted one of the two methods mentioned in the preceding article, cannot change it within two years unless by the authority of the superintendent.

In all cases, the school commissioners or trustees shall deduct from such school fund a sum of eighty dollars for the support of a model school, if there is one in the municipality, in addition to the share which such model school is entitled to receive from such fund. R. S. Q., art. 2180, § 2.

417. The girls' school established under articles 281 and 282 shall be counted one school district, and the model school as another school district, without prejudice nevertheless to the grant of eighty dollars mentioned in the preceding article.

The share of the moneys to be allotted to the said girls' school and to the said model school, respectively, shall be determined by the number of children of the age prescribed for attending school, residing in the school district in which such model school or girls' school is established. R. S. Q., art. 2181.

418. The superintendent may retain, out of the school grant to which any municipality is entitled, such sum of eighty dollars, to support a model school in such municipality. R. S. Q., art. 2182.

419. The superintendent may refuse the school grant, for any year, to any municipality in which the school commissioners or trustees have not rendered sufficient accounts, accompanied by vouchers, of the application of the school moneys for the years pre-

ceding, or for any one of them, whatever be the source whence those moneys were derived. R. S. Q., art. 2183.

420. The superintendent may refuse to pay the whole or any part of the share of the common school fund, which would otherwise be payable to any school municipality, if his instructions or those of the Council of Public Instruction or of either of the Committees thereof have been disobeyed, or if unqualified teachers have been employed by the commissioners or trustees, or if a qualified teacher has been dismissed by the school commissioners or trustees before the end of his engagement, and for no valid or just cause. R. S. Q., art. 2184.

421. The superintendent may pay out of the said share of such municipality such indemnity as appears to him justly due to any teacher so unjustly dismissed. R. S. Q., art. 2184.

422. Out of the permanent and additional legislative grant for school purposes in this Province, the following sums may, with the approval of the Lieutenant-Governor in Council, be set apart and expended yearly by the superintendent, for the following purposes, that is to say :

1. A sum for special aid to public schools in poor school municipalities ;

2. A sum to encourage the publication and circulation of a journal of public instruction ;

3. A sum towards forming a fund for the support of superannuated or worn out public school teachers in the Province, under such regulations as may be adopted from time to time by the superintendent or by the Council of Public Instruction, and approved by the Lieutenant-Governor in Council. R. S. Q., art. 2185.

**§ 2.—Application of Local School Fund
in certain cases.**

423. Any sum of money whatever arising from the general or local school fund, which is not employed or paid by the school commissioners, trustees or secretary-treasurers, during the year in which it is received, shall be by them deposited or placed out at interest, to be employed in creating revenue for the corporation.

This provision shall not extend to the deposit, directed by the next article, to be made of the share belonging to any school district, in which there is no school in operation. R. S. Q., art. 2186.

424. If in any school district there is no school in operation, the school commissioners or trustees shall deposit the money, to which such district would be entitled, at interest in some savings or other chartered bank, where, with the consent of the rate-payers of such district, they shall allow it to accumulate during a term which shall not exceed four years, to be thereafter by them used either in the purchase of ground for, or in building, a school-house, or towards other educational purposes in or for such school district. R. S. Q., art. 2187.

425. The superintendent may authorize the school commissioners or trustees in any municipality to apply the share coming for any one year to any school district, the inhabitants of which have contributed nothing or too little during the same year to the common fund of such municipality for school purposes, in such manner as the superintendent shall direct, for the advancement of education in such municipality, instead of depositing the said share in a bank.

The amounts already placed in any bank for any school district in like cases may be dealt with in like manner, and the shares coming to any such school dis-

strict which have been in like cases applied by the school commissioners or trustees in any municipality, with the consent of the said superintendent, are hereby declared to have been legally and properly dealt with. R. S. Q., art. 2188.

SECTION IX.

PROSECUTIONS AND PENALTIES.

426. The school commissioners or trustees of any school municipality may institute such suits or prosecutions as they deem necessary respecting school taxes and monthly school fees, and for all arrears of the said taxes or monthly fees, but such arrears are prescribed by three years. (*See note art. 214 and 375.*) R. S. Q., art. 2189.

427. All such suits or prosecutions under the preceding article, may be instituted either before two justices of the peace in the county, or before the Circuit Court, or the commissioners' court for the summary trial of small causes for the parish or township, or before the magistrates' court of the district, provided the amount does not exceed the lawful jurisdiction of the said courts, but not before any other court. In all suits or prosecutions, judgment may be rendered with costs. R. S. Q., art. 2190, §§ 1 and 2.

No judgment rendered upon any such suit or prosecution shall give rise to an appeal, or to the issue of a writ of *certiorari*.* R. S. Q., art. 2190, § 2.

* *Held* :—That school taxes cannot be sued for in the Superior Court. *The School Commissioners of Sillery vs. Gingras*. C. Q. B., Quebec, 1880.—Q. L. R., vol. 6, p. 355 and *The Corporation of the Township of Acton vs. Felton*. C. R., Montreal, 1879.—L. C. J., vol. 24, p. 113.

Held :—On a declinatory exception in an action for \$780, due

428. The chairman of any board of school commissioners or trustees shall not engage in any suit at law, as plaintiff, without a special authorization from the commissioners or trustees duly entered in their register after deliberation. R. S. Q., art. 2191.

429. Every action may be brought either by the chairman or by the secretary-treasurer in the name of the corporation, in the discretion of the board. R. S. Q., art. 2192.

430. Every person duly called upon to accept any office or perform any functions under this law, who refuses to accept or neglects to perform the same, or who, in any way, wilfully contravenes the provisions of this law, shall thereby for each such offence, whether of commission or omission, incur a penalty of not less than five dollars, or more than ten dollars, according to the gravity of the offence, in the discretion of the court or authority having cognizance thereof.* R. S. Q., art. 2193.

for taxes imposed on the immoveables of the defendants, that the Superior Court has no jurisdiction to hear suits for the recovery of school taxes. *The School Commissioners of Hochelaga vs. Hogan et al.* S. C., Montreal, 1876, Judge Torrance.—L. C. J., vol. 20, p. 298.

Held:—1. On a writ of *certiorari* to quash the decision of a court of inferior jurisdiction, in the matter of school taxes, that in spite of the apparent observance of legal formalities by the school commissioners, courts of inferior jurisdiction have a right to inquire into and demand proof that the regulation, by which the tax was imposed, was adopted in keeping with the provisions of the law.

2. That if the regulation is not regular rate-payers are not obliged to pay a tax imposed by such regulation.

3. That an action taken against a rate-payer must specify whether he is sued as proprietor, possessor, or occupant. *Daude- lin vs. The School Commissioners of St. Jude.* S. C., St. Hyacinthe, 1876, Judge Sicotte.—R. L., vol. 7, p. 433.

* *Held*:—That in any action taken under the provisions of

431. Any justice of the peace residing within the county, as well as the Circuit Court, shall have jurisdiction with regard to such offence, and may, after judgment, cause the penalty to be levied, under warrant, by the seizure and sale of the goods and chattels of the offender.

2. The amount of every penalty so levied shall be paid into the hands of the secretary-treasurer of the corporation of the school commissioners or trustees of the locality in which the offence has been committed, and shall form part of the local school fund. R. S. Q., art. 2194.

432. All persons entrusted in any manner with carrying this law into effect, or qualified to vote at the election of school commissioners or trustees, shall be competent to prosecute for the recovery of such penalties. R. S. Q., art. 2195.

433. If any school commissioner, or trustee, or other person make any false certificate or return, by means of which he fraudulently obtains, or seeks fraudulently to obtain, money from the public school fund, he shall not only restore the money so obtained, but shall also incur a penalty not exceeding forty dollars, nor less than ten dollars, which shall go to the local school fund, and which shall be recoverable at the suit of any person having an interest in the right administration of the public schools, on the oath of one credible witness, before any justice of the peace or before the Circuit Court.* R. S. Q., art. 2196.

art. 125, chap. 15 of the R. S. of L. C. (art. 2193 R. S. Q.), it must be alleged that the offence was wilfully committed. *Audette dit Lapointe et al. vs. Duhamel.* S. C., Sorel, 1869, Judge Loranger.—R. L., vol. 1, p. 52.

* *Held*:—That the secretary-treasurer of a board of school commissioners, who makes a false report in order to obtain the government grant, incurs a penalty not exceeding forty dollars nor less than ten dollars. *Pacaud vs. Roy.* C. Q. B., Quebec, 1866.—L. C. J., vol. 12, p. 65.

434. If the penalty provided by the preceding article be not paid within ten days after judgment, it shall be levied, with costs, by seizure and sale of the goods and chattels of the defendant.

In default of sufficient goods and chattels, the defendant may be committed to the common gaol, and detained therein one day for each sixty cents of the amount of the fine and costs, or of the balance which may be due. R. S. Q., art. 2196, § 2.

435. Every person who, voluntarily and intentionally, troubles, disturbs or interrupts any school or educational institution by indecent, improper or injurious expressions or conduct, or by making any noise in or near such school or educational institution, so as to disturb the classes or the school, shall, upon summary conviction before at least two justices of the peace, be condemned to a fine not exceeding twenty dollars and costs, upon the deposition of one credible witness.

Such fine shall belong to the school commissioners or trustees of the municipality, as the case may be, and shall be by them employed for the benefit and advancement of education in their municipality. R. S. Q., art. 2197.

436. If any school commissioner, trustee, or secretary-treasurer, after dismissal, or retirement from office, or any other person whatever, retains, keeps, or takes possession of or refuses to deliver up, any book, paper, thing, money, sum of money, insignia, or any object belonging to the school commissioners or trustees of any school municipality, he shall thereby incur, for each day during which he retains, appropriates or refuses to deliver such book, paper, thing, money, or sum of money, insignia or any other object whatever, a fine of not less than five or more than twenty dollars.

Such fine may be sued for and be recovered in one

and the same action, after notice from the superintendent ordering him to deposit or deliver into the hands of the person indicated in such notice, which may be served by a bailiff of the Superior Court, upon the person mentioned in the notice, either in person or at his domicile; and the said bailiff shall make his return of such service to the superintendent, under his oath of office, and thenceforward the said notice or return shall be authentic. R. S. Q., art. 2198.

437. The superintendent may, in the same action, demand the return of such books, papers or things, money or sums of money, insignia, or other objects whatever, and the defendant may be condemned there-to upon such penalties as the court may inflict.

The judgment shall in all cases carry costs and shall be executed in the usual manner.

The Superior Court shall alone have jurisdiction to hear and decide such actions, whatever be the amount. R. S. Q., art. 2199.

438. The fine to which the defendant shall be condemned under articles 436 and 437 shall be considered as a personal debt against him, and the court may condemn the defendant to be imprisoned, in default of payment of the fine, or in default of the defendant returning, within the delay mentioned, the said books, papers, things, money, insignia, or other objects whatever or any of them. R. S. Q., art. 2200

439. The said fine shall be recoverable before the Superior Court, and, as soon as recovered, shall be paid over into the hands of the superintendent, who shall deduct the expenses occasioned by such suit, and the balance shall form part of the common school fund and shall be employed as such. R. S. Q., art. 2201.

440. All actions brought under article 436 shall be in the name of the superintendent. R. S. Q., art. 2202.

CHAPTER FIFTH.

SUPERIOR EDUCATION.

441. The superintendent shall annually apportion to and amongst the universities, colleges, seminaries, academies, high or superior schools, model schools or educational institutions other than the ordinary elementary schools, the whole or such part of the said grants for education, according to the recommendation of the Roman Catholic or Protestant Committee, as the case may be, as the Lieutenant-Governor in Council prescribes, and in such proportions as the Lieutenant-Governor in Council approves.

The grants so apportioned shall be paid by the Provincial Treasurer, on the warrant of the Lieutenant-Governor, to the superintendent, who shall pay the same to the respective educational institutions above mentioned entitled to them. R. S. Q., art. 2203.

442. The total aid to universities, classical colleges, industrial colleges, academies and model schools granted under the provisions of this law, shall be divided between the totality of the Roman Catholic and Protestant institutions respectively, in the relative proportion of the respective Roman Catholic and Protestant populations of the Province according to the then last census. R. S. Q., art. 2204.

443. Such grants, so made out of the income fund, shall be for the year only, and are not permanent.

The Lieutenant-Governor in Council may attach to them any conditions which are deemed advantageous for the furtherance of superior education. R. S. Q., art. 2204, § 2.

444. The sums paid over to the Provincial Treasurer, arising from the celebration of marriages by Protestant ministers, shall be by him annually paid

over to the superintendent to be apportioned under the authority of the Lieutenant-Governor in Council, and in accordance with the recommendation of the Protestant Committee of the Council of Public Instruction, among the Protestant institutions of superior education, in addition to and in the same manner as the other grants to these institutions. R. S. Q., art. 2205.

445. Out of any public moneys at his disposal, the Lieutenant-Governor may pay the sum of sixty-two thousand, nine hundred and sixty-one dollars (\$62,961.00) to the Protestant Committee of the Council of Public Instruction for Protestant superior education in this Province, together with interest thereon, at the rate of four per cent per annum, from the thirtieth day of August, 1888. 53 Vict., replacing art. 2206, R. S. Q.

446. No grant shall be made to any superior educational institution not actually in operation, nor to any ordinary model school or educational institution which has not fulfilled the conditions prescribed by law. R.S.Q., art. 2207, as amended by 54 Vict., chap. 21, art. 8.

447. Any educational institution, desirous of obtaining a grant out of the income fund, shall, before or during the month of July in every year, make application to that effect to the superintendent, who shall not recommend any grant to any educational institution whose application is not accompanied by a report, showing :

1. The composition of the governing body ;
2. The number and names of the directors, principals, professors, teachers or lecturers ;

3. The number of pupils, distinguishing those under sixteen years and those above that age ;*
 4. The general course of instruction and the books used ;
 5. The annual cost of maintaining the institution, and the sources from which the means are derived ;
 6. The value of the real estate of the institution, if it own any ;
 7. A statement of its liabilities ;
 8. The number of pupils taught gratuitously, or taught and boarded gratuitously ;
 9. The number of books, globes and maps possessed by the institution, and the value of any museum and philosophical apparatus belonging to it.
- R. S. Q., art. 2208.

**Held:—*That by the provisions of Statute 39, George III, chap. 5, sec. 21, students in public schools are exempt from the capitation tax, and that the Corporation of the City of Quebec, under the statute by which it was incorporated and under the subsequent law by which this statute was amended, (3rd and 4th Vic., ch. 35, and 18th Vic., ch. 159,) has simply the power to extend this exemption to other classes of the citizens, but not to deprive such students of its benefit.

That the Laval University is a public school, and, as such, entitles its students to all the immunities and privileges granted to students in public schools.

That a law student studying at the Laval University and also under indentures to an advocate, cannot be deprived of his privileges and immunities as a student in a public school. *Bourdages, ex-parte.* S. C., Quebec, 1861, Judge Taschereau.—L. C. R., vol. 11, p. 457.

CHAPTER SIXTH.

NORMAL SCHOOLS.

SECTION I.

BUILDING FUND FOR NORMAL SCHOOLS, &c.

448. The Lieutenant-Governor in Council may adopt all needful measures for the establishment in the Province of one or more normal schools, containing one or more model schools, for the instruction and training of teachers of public schools in the science of education and art of teaching. He may select the location of such schools, and cause to be erected or procured and furnished the buildings requisite for the same. R. S. Q., art. 2209.

449. To provide for the purchase of such site or sites, and for erecting or procuring and furnishing the buildings which may be required for such normal schools, the Lieutenant-Governor in Council may order that, out of the said income fund, the sum of eight thousand dollars be yearly set aside and appropriated to form a fund to be called the "normal school building fund of the Province of Quebec;" and any sum so yearly set apart and appropriated shall be invested or placed at interest as the Lieutenant-Governor in Council may direct; and the income and interest shall, like the principal, form part of the said fund. R. S. Q., art. 2210.

450. The moneys realized by the sale, which the Lieutenant-Governor in Council may direct to be made, of any site and the buildings thereon acquired for normal school purposes in the Province and not deemed convenient for such purposes, shall form part of the normal school building fund of the Province, and shall

be invested or placed at interest in the like manner as any other sum forming part thereof. R. S. Q., art. 2211.

451. Any excess or amount of the normal school building fund, not actually required for the purposes for which the fund is constituted, shall, in the discretion of the Lieutenant-Governor in Council and as he may direct, either revert to and form part of the superior education income fund of the Province, or be invested as part of the superior education investment fund.

2. The income and interest, in the latter case, arising from such investment shall form part of the income fund. R. S. Q., art. 2212.

452. A sum not exceeding six thousand dollars shall be allowed yearly out of the common school fund for the Province, to defray the salaries of officers and other contingent expenses of normal schools; and a sum not exceeding four thousand dollars shall be allowed yearly, out of the income fund, as an aid to facilitate the attendance of teachers in training at normal schools. R. S. Q., art. 2213.

453. In case the two sums mentioned in the preceding article are found insufficient, the Lieutenant-Governor in Council may order that, out of the said income fund, a certain sum be yearly appropriated for the support and maintenance of normal schools, which sum, so set apart and appropriated yearly, shall not exceed in any one year the sum of ten thousand dollars. R. S. Q., art. 2214

SECTION II.

MANAGEMENT OF NORMAL SCHOOLS.

454. Normal schools shall be subject to the regulations provided for by article 462, and shall be under

the control of the superintendent, who, for their establishment and maintenance, shall from time to time make such arrangements as the Lieutenant-Governor in Council may direct. R. S. Q., art. 2215.

455. The principal of each normal school shall report to the superintendent, giving such details as are required by the superintendent from time to time. R. S. Q., art. 2215.

456. The professors, directors and principals of normal schools are appointed or removed by the Lieutenant-Governor in Council, on the recommendation of the Roman Catholic or Protestant Committee of the Council of Public Instruction, according as such appointments or removals concern Roman Catholic or Protestant normal schools. R. S. Q. art. 2216.

457 The principal of a normal school shall, before admitting any pupil into such school, make him sign, in presence of two witnesses, a document or obligation by which he shall bind himself to pay his board therein, or, if he be a bursar, to refund in certain cases the amount of his bursary, and to pay such sum as shall be required, according to the conditions which shall, from time to time, be fixed by the Lieutenant-Governor in Council

2. Every father, tutor or friend, may sign such document and bind himself, either in such quality or personally, for the payment of all sums of money exigible under the document or obligation and the conditions so fixed by the Lieutenant-Governor in Council. R. S. Q., art. 2217.

458. The Attorney-General, upon the recommendation of the principal of a normal school, and in the name of the latter, may sue in any competent court of justice, for the recovery of all sums due under such obligation, and shall be solely designated in such suit by the words "the principal of the normal school

of....." adding thereto the name of the school.*
R. S. Q., art. 2217, § 3.

459. The principal of every normal school shall account to the superintendent for all sums collected in virtue of the preceding articles, and these articles shall apply to the recovery of any sum due to normal schools under regulations now in force. R. S. Q., art. 2217, § 4.

460. On the presentation, by any student to the superintendent, of a certificate under the hand and seal of the principal of any such normal school, that such student has gone through a regular course of study therein, the superintendent may grant to such student a diploma of qualification which shall be valid, until revoked for some breach of good conduct or of good morals. R. S. Q., art. 2218.

461. By virtue of such diploma and while it remains valid, such person shall be eligible to be employed as teacher according to the grade of the diploma obtained by him, in any academy, model school or elementary school under the control of school commissioners or trustees. R. S. Q., art. 2219.

462. Regulations are made by the Council of Public Instruction and by the Committees thereof, with the approval of the Lieutenant-Governor in Council, for the management of normal schools, and saving always the provisions of article 457, for prescribing

* *Held* :—That the father of a normal school pupil is not liable for the amount of a bursc granted to his son, or for the penalty incurred by the latter through his failure to teach during three years. *The Principal of the Jacques-Cartier Normal School vs. Poissant.* S. C., Montreal, 1883, Judge Mathieu.—L. N., vol. 6, p. 132, and the same *vs. Pelland.* S. C., Montreal, 1883, Judge Taschereau.—L. N., vol. 6, p. 123.

Actions for sums due schoolmasters and teachers, for tuition, and board and lodging furnished by them are prescribed by two years.—*Civil Code*, art. 2261.

the terms and conditions on which students shall be received and instructed therein, the course of instruction to be followed, the mode and manner in which registers and books shall be kept, diplomas granted to students, and in which the reports, which the principal of each normal school is required to make to the superintendent, shall be made. R. S. Q., art. 2220.

SECTION III.

PROVISIONS RESPECTING THE JACQUES-CARTIER NORMAL SCHOOL.

463. It shall be lawful for the Lieutenant-Governor in Council to cause to be sold, by public auction, the properties belonging to the Government of this Province, situate in the City of Montreal, on Notre-Dame street, between Claude lane and Jacques-Cartier square, and on the said Jacques-Cartier square, together with all other properties situate in the same locality, which may be transferred and assigned to the Government of this Province by the Government of Canada. R. S. Q., art. 2221.

2. The order in council passed for that purpose shall establish the division into lots of the said properties, the upset price of each of such lots, the period at which possession thereof shall be given to the purchasers, and the terms of payment.

Notice thereof shall be given, at least three months before the sale, in the Quebec Official Gazette, and in at least four other newspapers, two whereof shall be published in the French and two in the English language.

If deemed expedient, the said sale may be adjourned and advertised anew, in the same manner, but in such case notice for one month will suffice.

3. The Lieutenant-Governor in Council may employ

the proceeds of the said sale in the purchase of ground and in the construction of buildings suitable, in the first place, for the Jacques-Cartier Normal School, in or near Montreal, and secondly, if the amount thereof admits, for the Laval Normal School, in or near Quebec. R. S. Q., art. 2221.

CHAPTER SEVENTH.

FABRIQUE SCHOOLS.

464. The *Fabrique* of any parish, and the school commissioners or trustees thereof, may, by mutual agreement in due form, unite for one or more years the *Fabrique* schools in operation, with any of the public schools held under this law. R. S. Q., art. 2222.

465. Any *Fabrique* contributing not less than fifty dollars annually towards the support of any school under the management of school commissioners or trustees shall thereby acquire a right to the *curé* and church-warden in office to be commissioners for the management of that school only, if they were not so before.* R. S. Q., art. 2222, § 2.

466. No *Fabrique* shall so unite its school to those managed by commissioners or trustees of another faith, except under an express and formal agreement with the school commissioners or trustees of such other faith. R. S. Q., art. 2222, § 3.

* *Held* :—That when a *Fabrique* contributes annually \$50 towards the support of a school which is under the control of school commissione (or trustees), the *curé* and churchwarden in office become *ipso-facto* school commissioners. *Charest vs. Veilleux*. C. Q. B., Quebec, 1881.—Q. L. R., vol. 8, p. 230.

CHAPTER EIGHTH.

POLYTECHNIC SCHOOL OF MONTREAL.

467. The special school known under the name of the "Polytechnic School of Montreal," is under the control of Laval University, under the same name, and with the same character of special school which it had before the first day of July, eighteen hundred and eighty-seven. R. S. Q., art. 2223.

468. The curriculum of the said school, as now in force, shall continue, but may be modified or developed by the said University as may be required. R. S. Q., art. 2224.

469. The appointment of the principal, the professors, and staff necessary for the good working of the said school is made by the council of the University. R. S. Q., art. 2225.

470. There shall be made annually to the superintendent of Public Instruction a report containing:

1. The course followed at the school and the modifications or developments made in the programme;
2. The number and classification of the students;
3. The state of the collections, instruments, laboratory and library;

4. A statement of the receipts and expenditure of the school. R. S. Q., art. 2226.

471. The superintendent of Public Instruction may appoint an assessor to attend the examinations at the end of the year. R. S. Q., art. 2227.

472. The Laval University shall, in accordance with its charter, deliver to the students of the Polytechnic School the diploma of civil engineer, mining engineer, mechanical engineer, or industrial engineer, or other diplomas, according to the special course followed by each.

2. Mention shall be made in the diploma that the student has passed his examinations throughout the course in a satisfactory manner, or with distinction, or with great distinction, or with the greatest distinction, according to the disciplinary rules of the said school. R. S. Q., art. 2228.

473. The names of the students receiving diplomas shall be published in the Quebec Official Gazette with the standing obtained by each, established by a general average of the standing obtained throughout the course. R. S. Q., art. 2229.

474. The terms employed in article 472 for the classification of the diplomas shall be understood as follows :

1. The diploma of civil engineer shall be granted to the student capable of conducting and executing all works of art and of construction upon the surface of the soil ;

2. The diploma of mining engineer shall be granted to the student capable of conducting and executing all works of discovering, extracting and working of ores and minerals and their reduction to useful metals ;

3. The diploma of mechanical engineer shall be granted to the student capable of designing, combining and constructing engines and machines used in manufactures ;

4. The diploma of industrial engineer shall be granted to the student capable of applying the principles of physics and chemistry to production and manufactures. R. S. Q., art. 2230

CHAPTER NINTH.

COUNTY ACADEMIES.

475. The Roman Catholic and Protestant Academies already established or which may hereafter be established in any city, town or incorporated village, exercise all the powers and enjoy all the privileges appertaining to them, or which may be conferred upon them by the city, town or incorporated village in which they are or may be situated. R. S. Q., art. 2231.

476. It shall also be competent to the corporations of school commissioners or trustees, as the the case may be, in any county, counties or parts of counties, to combine for the purpose of establishing one or more academies therein.

The mode of procedure in such cases shall be as follows :

1. Whenever it shall appear desirable to the Roman Catholic or Protestant school commissioners or trustees, as the case may be, in any county, counties or parts of counties, or to a majority of them, that an academy or academies should be established, the several chairmen of the said school corporations, shall by virtue of a resolution passed by each school corporation be appointed academy delegates on behalf of the said corporations.

The delegate last named shall convene the first meeting of these delegates by giving a written notice of eight days of the time and place of such first meeting.

2. At the first meeting of such academy delegates, those present or a majority of them, shall elect a chairman and a secretary.

If, in the opinion of the majority, it is thought necessary or desirable that one or more academies

should be established in the county, counties, or parts of counties, a petition to that effect founded on a resolution of such delegates, shall be prepared and forwarded to the Roman Catholic or Protestant Committee, as the case may be, stating the facts of the case; such petition shall be signed by the chairman and secretary of the meeting.

3. At the next ensuing meeting of the Roman Catholic or Protestant Committee, as the case may be, or at a meeting specially called for that purpose, the said petition shall be taken into consideration, and, if approved by the majority of the members of the committee present at such meeting, the said petition shall be delivered to the superintendent for transmission to the Lieutenant-Governor in Council.

If the Lieutenant-Governor in Council approves such petition, he may, by proclamation in the Quebec Official Gazette, signify his approval, and establish such academy or academies, and designate them as the "Academy or Academies of the county of _____," as the case may be, if or counties of _____, "as the case may be, if academies of county or counties, or "County of _____"

Academy No. 1, 2, 3," as the case may be, if an academy of parts of counties.

4. After such proclamation, the board of delegates shall again meet, and shall elect three of their members to act as the first trustees of such academy.

Such trustees shall remain in office until the first juridical day of the month of August then ensuing, when there shall be a regular annual meeting of the said board of delegates.

At such first meeting of delegates and at the meeting to be held annually thereafter on the first juridical day of August in each year, the board of delegates shall appoint three of their number to act as trustees

of the said academy for the ensuing year. They shall also appoint an auditor or auditors of accounts.

The academy trustees shall present annually to the said board of delegates at such annual meeting a report of the educational work of the past year of such academy, with a balance sheet and statement of income and expenditure, duly audited by the auditors appointed as above.

The secretary of the board of delegates may be the secretary-treasurer of each board of academy trustees, or the academy trustees may appoint their own secretary-treasurer.

The academy trustees and the secretary-treasurer and auditors shall, in the performance of their several duties, conform in all respects, *mutatis mutandis*, to the provisions of the school laws, which refer to school corporations and their officers, and also to the rules and regulations of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be. R. S. Q., art. 2232.

477. To provide for the building and maintenance of such academies the Roman Catholic or Protestant school commissioners or trustees of such county, counties, or parts of counties, wherein an academy is established, may levy a tax on the taxable real estate of the school municipality under their control, sufficient in amount to provide a sum not exceeding three thousand dollars for the purchase of site and the building of an academy, and not less than three hundred dollars per annum towards the payment of teachers and the incidental expenses of such academy as may be agreed on by the said board of delegates.

The school commissioners or trustees, as the case may be, shall be jointly and severally responsible to the said academy trustees for the payment of the sums above mentioned, and shall pay over the said sums to

the said academy trustees by equal semi-annual payments on the second day of January and second day of July in each year. R. S. Q., art. 2233.

478. For the maintenance of the said academies, the said academy trustees shall be entitled to charge monthly fees to the scholars attending the same, such fees not to exceed one dollar and fifty cents per month, to be paid monthly in advance.

No scholar being two months in arrears for such fees shall be permitted to attend such academy. R. S. Q., art. 2234.

479. Each academy fulfilling the conditions of this chapter, and conforming in all respects to the rules and regulations in respect to academies adopted or which may be from time to time adopted by the Roman Catholic or Protestant Committee, as the case may be, shall be entitled to a share of the legislative grant for superior education in the discretion of the Committee of its religious faith. R. S. Q., art. 2235.

CHAPTER TENTH.

LIBRARIES IN SCHOOL MUNICIPALITIES.

480. The Lieutenant-Governor in Council may order that, from and out of the superior education income fund, a sum not exceeding two thousand dollars may be appropriated annually, or during a certain number of years, to assist the establishment of city, town, village, parish or township libraries, in school municipalities in which suitable contributions have been made by such school corporation for that purpose.

2. Such assistance shall be given in money or in

books, upon the conditions deemed requisite by the Lieutenant-Governor in Council. R. S. Q., art. 2236.

481. Municipalities and school corporations may appropriate such portion of their revenues or such sum of money as they may deem expedient for that purpose, and, with the authority of the superintendent, issue such amount of debentures or bonds with the view of creating a fund for that purpose. R. S. Q., art. 2237.

482. Such libraries shall be under the management, inspection and regulations which the Roman Catholic or Protestant Committee, as the case may be, of the Council of Public Instruction shall from time to time prescribe. Such regulations shall be published by the superintendent in the Quebec Official Gazette. R. S. Q., art. 2237.

CHAPTER ELEVENTH.

PENSION FUND OF OFFICERS OF PRIMARY INSTRUCTION.

SECTION I.

INTERPRETATIVE.

483. Under the term "officers of primary instruction," the present chapter includes school inspectors, professors and teachers of normal schools, male and female certificated teachers teaching in an institution under the control of school commissioners or trustees, or subsidized by them or by the Government out of the funds voted for education, but does not include members of the clergy or religious communities or

professors in colleges or universities. R. S. Q., art. 2238.

484. The terms "elementary school," "model school," and "academy," employed in this chapter, mean schools in which are taught the subjects of the curriculum adopted by either of the Committees of the Council of Public Instruction for the schools of these various grades.

By "school under control" is meant any school in which the teachers are engaged and paid by the school commissioners or trustees.

By "subsidized school" is meant any school not under control which receives a grant from the Government out of the funds voted for education or from school commissioners or trustees. R. S. Q., art. 2239.

SECTION II.

PENSIONS OF OFFICERS.

485. There shall be allowed to every person, who has reached the age of fifty-six years, and who has been employed as an officer of primary instruction, during a term of ten years or upwards, an annual pension, based upon the average salary received by him during the years he has been engaged in teaching and for which he has paid the stoppages. R. S. Q., art. 2240.

486. Such pension shall not exceed, in any case the following rates:

If the officer has served during ten years and less than eleven years, ten-fiftieths of such average salary; if he has served during eleven and less than twelve years, eleven-fiftieths of such average salary;

And so on, adding one-fiftieth of such average salary, for every additional year of service, for which

he has paid the stoppages; but no grant shall be allowed for any service over thirty-five years. R. S. Q., art. 2241.

487. The average salary of officers of primary instruction shall not, for the purposes of this chapter, exceed the sum of fifteen hundred dollars. R. S. Q., art. 2242.

488. After ten years' service, every officer, whatever be his age, may receive a pension when a serious injury, or enfeebled health, renders it impossible for him to continue such service, provided such accident or ill-health has not arisen through any conduct forbidden by law or against good morals. R. S. Q., art. 2243.

489. In the event of an officer retiring owing to enfeebled health or serious illness, such infirmities and the cause thereof shall be established by means of certificates from the physician who has attended such officer, and by one of the two physicians indicated by the superintendent of Public Instruction. R. S. Q., art. 2244. (*See Form No. 18.*)

490. The physicians' certificates, prescribed by the preceding article, shall be attested in accordance with the provisions of chapter 141 of the Revised Statutes of Canada respecting extra-judicial oaths. R. S. Q., art. 2245.

491. Such pension is stopped from the moment the cause, which gave rise to it, has ceased to exist. R. S. Q., art. 2246.

492. From the age of eighteen, the years that have been passed either in teaching, or as a normal school pupil, shall be included in the years of service, at the time of establishing the amount of pension. R. S. Q., art. 2247.

493. The years, during which the officers of primary instruction have taught outside of the Province,

shall not be counted in the number of those which entitle them to a pension. R. S. Q., art. 2248.

494. Any teacher, actually engaged in teaching, who has paid contributions to the pension fund, established under the act passed on the 22nd December, 1856, (19-20 Victoria, chapter 14, section 7), may apply such contributions to the payment of the stoppages required for the years of service prior to the 24th July, 1880. (*See Article 422.*) R. S. Q., art. 2249. (*See Form No. 16.*)

495 Every officer of primary instruction who wishes to claim his right to a pension shall establish, to the satisfaction of the administrative commission, constituted by this chapter, that he has served as such during the five last years preceding his application, and that he has complied with the other provisions of the present chapter. R. S. Q., art. 2250.

496 An officer of primary instruction, in order to be pensioned, must produce in addition to his certificate of birth and a declaration of his domicile, a certificate according to form number 16 of this law, stating his name, surname and quality, the date when he first acted as such officer, his services and the date and the reason of his ceasing to perform the same. R. S. Q., art. 2251. (*See Form No. 17.*)

SECTION III.

PENSIONS OF WIDOWS.

497. The widow of an officer, who died between the 24th of July, 1880, and the 1st July, 1886, after having paid his stoppages under the act 43-44 Victoria, chapter 22, shall, so long as she remains a widow, have a right to a half-pension.

Such half-pension is only allowed to the widow of

an officer who died after the 1st July, 1886, when the latter has paid into the pension fund, in addition to the stoppages payable by him, and at the same time, a sum equal to one-half of such stoppages; nevertheless this latter stoppage is only exacted for the years during which the officer was married. R. S. Q., art. 2252.

498. For the years previous to the 24th of July, 1880, the stoppages in question are paid as follows:

Two-fifths should have been paid before the first of January, 1887, and

One-fifth of the total amount shall be deducted from the annual pension of the officer himself, or,—if he died without having obtained a pension,—from his widow's pension during each of the first three years.

These sums also form part of the capital. R. S. Q., art. 2253.

499. In order that a widow may be eligible for a pension, the marriage must have been contracted six years before the husband had ceased to act as an officer of primary instruction. R. S. Q., art. 2254.

500. The widow is not allowed to pay the stoppages which her husband neglected to pay for the years of service previous to the 24th July, 1880. R. S. Q., art. 2255.

501. The widow claiming a pension is bound to furnish, in addition to the vouchers which her husband should have produced:

1. Her certificate of birth;
 2. The burial certificate of the officer or pensioner;
 3. Her marriage certificate. R. S. Q., art. 2256.
- (See Form No. 20.)

SECTION IV.

CONTRIBUTIONS AND STOPPAGES.

502. Any officer of primary instruction who has

paid into the pension fund the stoppages required by this chapter, for the years of service immediately preceding the 24th of July, 1880, if such payments have been made before the first of January, 1887, shall be entitled to count such years of service to establish his right to a pension. R. S. Q., art. 2257.

503. The stoppages upon the salaries of officers of primary instruction for the years previous to the 24th of July, 1880, shall be five per cent. per annum without interest.

2. Two-fifths of the total amount of the stoppages for the years previous to the 24th July, 1880, should have been paid before the first of January, 1887; and one-fifth of the total amount of the said stoppages is deducted from the annual pension of the officer for each of the first three years.

3. The sums so stopped shall not form part of the yearly revenue of the pension fund, but shall be placed in the capital fund. R. S. Q., art. 2258.

504. The officers, who, between the 24th of July, 1880, and the 1st July, 1886, paid the stoppages required by the act 43-44 Victoria, chapter 22, for their years of service previous to the 24th July, 1880, have a right to interest, at the rate of five per cent. upon the sums so paid, up to the first of July, 1886; such interest to be deducted from the stoppages to be hereafter paid by them out of their salary or pension, as the case may be. R. S. Q., art. 2259.

505. In order to provide for the above-mentioned pensions:

1. A reduction or stoppage shall be made from the salary of each officer at the rate of two per cent. per annum;

2. A stoppage of two per cent. shall be made yearly on the amount of the pension paid to each officer;

3. A stoppage of two per cent. shall be made annually

out of the common school fund, as well as out of that portion of the superior education fund, appropriated to the support of institutions managed or directed by officers of primary instruction;

4. An annual grant of one thousand dollars shall be allowed by the Government of the Province. R. S. Q., art. 2260.

506. The total amount of these various stoppages and grants made from the 24th July, 1880, to the 1st July, 1886, shall be deposited with the Provincial Treasurer, and be by him converted into Provincial or Dominion bonds, at the current price of such bonds, and capitalized for the benefit of the pension fund for officers of primary instruction. R. S. Q., art. 2261.

507. The said fund shall not form part every year of the consolidated revenue fund of the Province, notwithstanding any provision to the contrary in the law respecting the Treasury Department; but it shall be held in trust by the Provincial Treasurer for the purposes of this chapter. R. S. Q., art. 2262.

508. If the interest on the said capitalized fund and the total of the different stoppages and grant does not suffice to pay the pensions applied for, the stoppages from the salaries and pensions of the officers of primary instruction out of the common school fund and out of the superior education fund may be increased to the amount of four per cent, which shall be the maximum rate of the stoppages. R. S. Q., art. 2263.

509. Every excess of receipts over expenditure in the pension fund shall be first employed in paying the deficits of previous years, if necessary, and the remainder shall be placed with the Provincial Treasurer in trust for the purposes of this chapter. R. S. Q., art. 2264.

510. If the stoppages and grants be not sufficient

to pay the pensions as above established, the administrative commission shall reduce the pensions and proportion them to the amount at its disposal. R. S. Q., art. 2265.

511. The portion of the pension fund established by the act passed on the 22nd of December, 1856, (19-20 Victoria, chapter 14, section 7), which shall from time to time be relieved, according to the provisions of the said act, by the death of pensioned officers, shall be paid into the pension fund established by this chapter, so that the whole shall be so paid in when the last of such officers dies. (*See article 422*) R. S. Q., art. 2266.

512. The superintendent shall retain, half-yearly, out of the grant payable to each municipality or normal school, or out of the salaries paid directly by the Department of Public Instruction, the sums necessary to pay the stoppages out of the salary of each officer of primary instruction; and the school authorities are authorized to deduct out of the salaries of such officers the amount retained by the superintendent. R. S. Q., art. 2267.

SECTION V.

PAYMENT OF PENSIONS.

513. The pension, in the case of a teacher, shall run from the day on which his salary ceases to be paid, and in that of a widow, from the day following the decease of her husband. R. S. Q., art. 2268.

514. All pensions shall be paid half-yearly; but if an officer die, without leaving a widow entitled to receive such pension, his heirs, according to the provisions of the Civil Code, shall be entitled to receive his

pension for the current six months. R. S. Q., art. 2269.

515. Every officer of primary instruction, who has resigned his office, or has been dismissed by the Council of Public Instruction, or either of the Committees thereof, for any causes provided by law, shall forfeit his right to a pension and also his stoppages; but, if reinstated, his former service shall count. R. S. Q., art. 2270.

516. Pensions, if they have not been claimed, shall be struck from the books of the pension fund after three years, and their replacement thereon shall not entitle to arrears prior to the claim.

2. The same forfeiture shall apply to the heirs of pensioners, who do not establish their rights within three years from the death of the person whom they represent. R. S. Q., art. 2271.

517. Any officer of primary instruction who, for causes approved of by the superintendent of Public Instruction, resigns his office and opens a private school or temporarily accepts a position therein, shall not forfeit his right to a pension provided he regularly pays the stoppages on his salary. R. S. Q., art. 2272. (*See Form No. 19.*)

518. An officer of primary instruction dying before the first of July, 1886, who has not left a widow entitled to receive a pension, does not lose the amounts by him paid to the pension fund, but his heirs, according to the provisions of the Civil Code, may claim the amount which he has paid to the pension fund up to the date of his death. R. S. Q., art. 2273.

519. All claims for pensions must be made before the first of November in each year; pensions claimed after that date will only be paid the following year. R. S. Q., art., 2274. (*See Form No. 17.*)

SECTION VI.

VALUATION OF SALARIES.

520. The salary of officers of primary instruction, employed in private schools subsidized by the Government or by school municipalities, shall be estimated by the school inspector of the division to which such officers belong, to the satisfaction of the superintendent, who may order an inquiry for such purposes, in accordance with the law respecting education. R. S. Q., art. 2275.

521 In no case shall the value of the annual salary, including benefits, in private schools subsidized by the Government or by school commissioners or trustees, exceed the following amounts, to wit :

For male teachers of elementary schools:—in towns, four hundred dollars,—in country municipalities, two hundred and fifty dollars;

For female teachers in elementary schools:—in towns, two hundred dollars,—in country municipalities, one hundred and twenty-five dollars;

For male teachers of model schools:—in towns, five hundred dollars,—in country municipalities, three hundred dollars;

For female teachers of model schools:—in towns, two hundred and fifty dollars,—in country municipalities, one hundred and fifty dollars;

For male teachers of academies:—in towns, six hundred dollars,—in country municipalities, four hundred dollars;

For female teachers of academies:—in towns, three hundred dollars,—in country municipalities, two hundred dollars. R. S. Q., art. 2276.

522. Officers of primary instruction may, in addition to the specific salary agreed upon between them

and the school commissioners or trustees, include, as forming part of their salary, all the benefits derived from their position, such as lodging, light and fuel.

If, however, such officers give private lessons, or exercise at the same time any profession, trade or business whatsoever, the benefits they derive therefrom shall not be included in the said valuation. R. S. Q., art. 2277.

523. The valuation of the benefits so derived by officers of primary instruction shall be made by the school inspector of the district, certified to be correct according to form No. 15 of this law, and revised by the administrative commission. R. S. Q., art. 2278. (*See Form No. 15.*)

524. It shall be the duty of the school commissioners or trustees, or administrative bodies, employing officers of primary instruction, to make a half-yearly report, stating the name, office and salary, during the previous six months, of each such officer employed by them. R. S. Q., art. 2279.

525. In no case shall the valuation of such benefits in the schools under control exceed the following amounts, to wit :

For an elementary school :—in towns, one hundred dollars,—in country municipalities, thirty dollars ;

For a model school :—in towns, one hundred and fifty dollars,—in country municipalities, fifty dollars ;

For an academy :—in towns, two hundred dollars,—in country municipalities, seventy-five dollars. R. S. Q., art. 2280.

SECTION VII.

ADMINISTRATIVE COMMISSION.

526. The pension fund for officers of primary instruction is administered by a commission composed of the superintendent of Public Instruction, as president, and of four delegates appointed as follows:—one by the convention of Roman Catholic teachers in Montreal, one by the convention of Roman Catholic teachers in Quebec, and two by the Provincial Association of Protestant teachers.

These delegates remain in office until they are replaced by those who appointed them. R. S. Q., art. 2281, as amended by 52 Vict., chap. 23, art. 2.

527. The administrative commission determines all questions connected with the pension fund and pensioners, and its decision is final.

The delegates are not paid for their services, but their travelling expenses are paid out of the pension fund. R. S. Q., art. 2282.

528. In case of absence, through illness or from some unavoidable cause, the delegate may have an officer of primary instruction appointed to replace him. R. S. Q., art., 2283.

529. It shall be the duty of the school inspectors, when they make their official inspection, to visit, at least once a year, the pensioners in their respective districts, and to report to the superintendent, every year, before the month of November, upon the state of the pensioners' health and upon their qualifications for receiving a pension under the terms of the law.

They shall also indicate the date of the death of the pensioners who may have died during the year, and add any remarks which may assist or facilitate the

work of the administrative commission. R. S. Q., art. 2284.

SECTION VIII.

MISCELLANEOUS.

530. The administrative commission is bound to draw up and prepare all orders or regulations which it may deem necessary to put this chapter into operation and to provide for unforeseen cases.

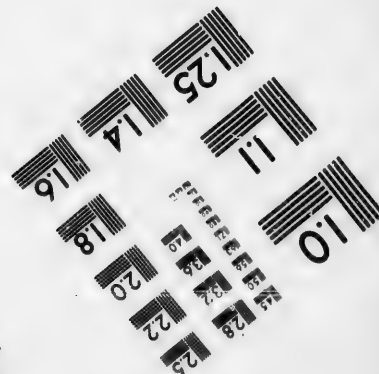
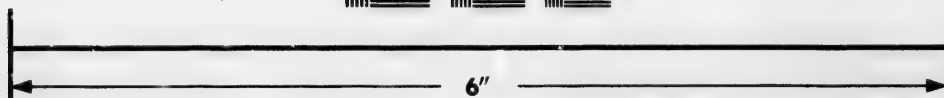
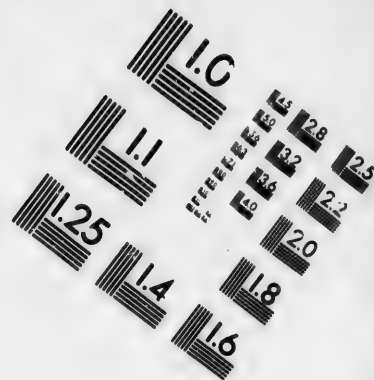
Such orders and regulations, when sanctioned by the Lieutenant-Governor in Council and published in the Quebec Official Gazette, shall have operation of law for the carrying out of the provisions of this chapter. R. S. Q., art. 2285.

531. The accounts of the pension fund are kept by the Department of Public Instruction, certified yearly by the provincial auditor, and published in a sufficiently detailed manner in the report of the superintendent of Public Instruction. R. S. Q., art. 2286.

532. Pensions are not assignable or liable to seizure. R. S. Q., art. 2287.

533. This chapter does not apply to teachers receiving pensions before the 1st July, 1886. R. S. Q., art. 2288.





**23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503**

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APPENDIX.

FORMS.

No. 1.—NOTICE FOR ELECTION OF SCHOOL COMMISSIONERS AND TRUSTEES.

(See Article 162.)

Province of Quebec, }
Municipality of }

Public notice is hereby given that a meeting of proprietors of real estate will be held on Monday, the day of July, one thousand eight hundred and at the hour of ten in the morning, at the church door of the said municipality or at (*indicate the place*), to proceed with the election of a board of school commissioners, or of one or more school commissioners or trustees (*as the case may be*).

Given at this day of
one thousand eight hundred and

(*This notice must be signed by a justice of the peace, the secretary-treasurer, the president of the school commissioners or trustees, or a commissioner or trustee, as the case may be.*)

R. S. Q., Title V, Form No. 2.

N. B.—*This notice must be given according to the provisions of article 11 and following of this law.*

**NO. 2.—REPORT TO SUPERINTENDENT OF ELECTION OF
SCHOOL COMMISSIONERS OR TRUSTEES.**

(See Article 188.)

Province of Quebec, }
Municipality of }

To the Superintendent of Public Instruction.

SIR,

On Monday, the day of July, one thousand eight hundred and , at a public meeting of the rate-payers of this municipality duly convened and held according to law, at (*mention the place*), at the hour of ten in the morning, Messrs. (*insert the names and surnames written very plainly*) were elected as school commissioners (*or trustees, as the case may be,*) for the said municipality, conformably to law.

Given at this day 18 .

(Signature.)

Presiding Officer.

R. S. Q., Title V, Form No. 8.

N.B.—The above report must be sent to the superintendent within the eight days next after the election.

No. 3.—NOTICE TO SCHOOL COMMISSIONERS OR
TRUSTEES ELECTED.

(See Article 188.)

Province of Quebec, }
Municipality of }

To Mr. A. B., School Commissioner or Trustee.

SIR,

I hereby notify you that, at a public meeting of the ratepayers of this municipality, duly convened according to law, and held on the day of one thousand eight hundred and you were elected a school commissioner (or trustee, as the case may be.)

Given at this 18

(Signature.)

Presiding Officer.

R. S. Q., Title V., Form No. 4.

N.B.—The above notice must be sent to each commissioner or trustee elected, within the eight days next after the election.

No. 4.—NOTICE OF DISSENT.

(See Article 142.)

Province of Quebec, }
Municipality of }

To the Chairman of the school commissioners of the municipality of county of

SIR,

We, the undersigned, proprietors, occupants, tenants

and rate-payers of the municipality of _____, county
of _____, professing the _____ religion,
have the honor, under article 1985 of the Revised
Statutes of the Province of Quebec, to notify you of
our intention of withdrawing from the control of the
school corporation of which you are the chairman.

Given at _____ this _____ day of _____ 18 .

(Signatures of the dissentients.)

R. S. Q., Title V, Form No. 1.

N.B.—This notice must be made in triplicate.

**No. 5.—NOTICE FOR SPECIAL MEETING OF SCHOOL
COMMISSIONERS OR TRUSTEES.**

(See Article 219.)

Province of Quebec, }
Municipality of }

To Mr. A. B., School Commissioner or Trustee.

SIR,

A meeting of the school commissioners (or trustees)
of this municipality will be held at (*the place*) at the
hour of _____ in the _____ noon, the
day of the month of _____, one thousand
eight hundred and _____

Given at _____ this _____ 18

(Signature.)

Secretary-Treasurer.

R. S. Q., Title V, Form No. 5

No. 6.—HEADING FOR THE MINUTES OF PROCEEDINGS
OF SCHOOL COMMISSIONERS OR TRUSTEES.

(See Article 224, § 10.)

Province of Quebec, }
Municipality of }

At a meeting of the school commissioners (or trustees) of the municipality of _____, held at _____ in the county of _____, (mention the place) in this municipality, on the _____ day of the month of _____, one thousand eight hundred and _____, at the hour of _____ in the _____ noon, at which meeting were present: MM. (insert the names of all the members present), all School Commissioners (or Trustees.)

The chairman (or acting chairman, in the absence of the chairman) in the chair.

The secretary-treasurer being also present.

M. (his name) moves, seconded by M. (his name), that (write out the motion.)

Carried unanimously, (or if there be a division, the votes shall be taken by the chairman as follows:)

Yeas:—Messrs. }
Nays:—Messrs. } (Insert the names.)

If the votes be equal, the chairman votes, and then he declares the motion carried or not, as the case may be.

If there is an amendment, say:

Mr. _____, seconded by Mr. _____ moves in amendment that (State the amendment.)

For the amendment:—Messrs. }
Against the amendment:—Messrs. } (Insert the names.)

If the amendment be carried, the chairman declares

the same carried, and an entry is made in the minute book.

If the amendment be lost, the chairman declares the same lost, and an entry is made in the minute book.

(Signature.)

Chairman.

(Signature.)

Secretary-Treasurer.

R. S. Q., Title V, Form No. 6.

NO. 7.—FORM OF SURETY BOND OF THE SECRETARY-TREASURER.

(See Article 294.)

Province of Quebec, }
Municipality of }

Whereas I, (*name of the secretary-treasurer*), have been appointed secretary-treasurer of the school commissioners (*or trustees*) for the municipality of , in the county of , and whereas in conformity with the laws concerning public instruction we (*names of the two sureties and their quality and domicile*), have been approved and accepted by (*name of the chairman*) the chairman of the said school commissioners (*or trustees*) as sureties of the said (*name of the secretary-treasurer*), for the total amount for which the said (*name of the secretary-treasurer*) is and shall be, at any time whatever, responsible, arising as well from the local school funds or contributions and special donations, paid into his hands for the support of schools, as from the general funds of the schools, and for all sums of money which he may have in his hands belonging to the said school commissioners (*or trustees*), and for the due execution of his duties as secretary-treasurer.

Know by these presents that we, the said (*names of*

the sureties and of the secretary-treasurer), acknowledge ourselves to be jointly and severally obliged to pay and to reimburse the school commissioners (or trustees) of the municipality of _____, in the county of _____, all sums of money for which the said *(name of the secretary-treasurer)*, by himself or by any person for whom he is responsible, may in the exercise of his office become responsible towards the school commissioners (or trustees) of the said municipality, or towards any other person for them, in principal, interest, costs, penalties or damages, if any.

The condition of this bond is that if the said *(name of the secretary-treasurer)* shall well and faithfully at all times perform the duties and functions of the office of secretary-treasurer, to which he has been appointed, and accounts for, pays over or remits to the school commissioners (or trustees) of the municipality of _____, in the county of _____, or to any person indicated by them, all sums of money for which he himself, or any person for whom he is responsible, shall become responsible, during his tenure of office, towards the said school commissioners (or trustees) of the said municipality in principal, interest, costs, penalties, or damages then this bond shall be null, otherwise it shall remain in full force and effect.

Made and passed in triplicate, at _____ the _____ day of the month of _____, one thousand eight hundred and _____

(Signature of the secretary-treasurer.)
 (" " of sureties.)

(Signature of the notary or
 of a Justice of the Peace
 as the case may be.) }

R. S. Q., Title V, Form No. 7.

N. B.—One copy must be sent to the superintendent.

No. 8.—NOTICE OF APPOINTMENT OF MANAGERS.

(See Article 231, § 4.)

Province of Quebec, }
 Municipality of }
 To Mr. (name of Manager.)
 SIR,

I hereby give you notice that at a meeting of the school commissioners (or trustees) of this municipality, held on the _____ day of the month of _____ one thousand eight hundred and _____, you were named (permanently or temporarily or for what time, must be stated.) manager to assist them in the administration of the school-houses, the building, repairing, heating and cleaning the same, and also to keep the furniture belonging to the school in order.

Given at _____ this _____ day of the month of _____ 18 _____.

(Signature.)

Secretary-Treasurer.

R. S. Q., Title V, Form No. 8.

No. 9.—DEMAND FOR COPY OF THE VALUATION ROLL.

(See Articles 340 and 345.)

(Date.)

Province of Quebec, }
 Municipality of }
 To the Secretary-Treasurer of the Municipal Council
 of the Municipality of _____ County of _____,
 SIR,

I hereby require you to forward and deliver to me.

within ten days from this date, for the use of the school commissioners (*or trustees*) of the municipality of (*name of the school municipality*) situated in the limits of the municipality of (*name of the rural municipality*) a certified copy, according to law, of the valuation roll of the property situate within the limits of the municipality.

(*Signature*)

Secretary-Treasurer.

R. S. Q., Title V, Form No. 9.

No. 10.—NOTICE TO RATE-PAYERS FOR EXAMINATION
OF COLLECTION ROLL.

(*See Article 325.*)

Province of Quebec, }
Municipality of }

PUBLIC NOTICE

Is hereby given to all proprietors of real estate and resident householders of this municipality, that the collection roll as established by the school commissioners (*or trustees*) of this municipality has been made and completed and that it now is and will remain in my possession, for inspection by parties interested, during thirty days from this notice, during which time it may be amended; any rate-payer may, during the

said delay, complain of such roll, which shall be taken into consideration, and homologated with or without amendment, at the meeting of commissioners (or trustees) to take place on the _____ day of _____, at the place where meetings are usually held at the hour of _____ in the noon; but, such delay expired, it shall come into force, and every person interested is obliged to take cognizance thereof, if he so desire, and to pay the amount of his taxes to the undersigned, at his office, within the twenty days following the said delay of thirty days, without further notice.

Given at _____ this _____ day of the _____ month of _____ 188 .

(Signature.)

Secretary-Treasurer.

R. S. Q., Title V., Form No. 10.

** This date must be within ten days after the expiration of the thirty days during which the valuation roll may be examined. (See art. 354.)*

No. 11.—SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF TAXES.

(See Article 360.)

PROVINCE OF QUEBEC. Municipality of		MUNICIPALITY OF M.....	
Copy of account of (Name of the rate- payer.)		Dr. to The School Corporation of.....	
\$	Notice served. (Insert date of notice.)	Taxes on your (here mention the property, as house, farm, &c.) valued at \$....., at the rate of (state amount) in the \$	cts.
Costs.	Notice.....\$ Service.....\$	(Here add the other items.)	\$
Total.....\$	Total.....\$	Total.....\$	

SIR,—Take notice that, having failed to pay the above
 mentioned sum within the time prescribed by public notice,
 you are hereby required, within fifteen days from this date,
 to pay the said sum to me, in my office, together with the
 costs of the present notice and of the service thereof, detailed
 hereunder, in default whereof an execution will be issued
 against your goods and chattels.
 (Place and date.)

Costs:
 Notice. \$
 Service. \$
 Total.....\$

R. S. Q., Title V, Form No. 11.

(Signature.)
 Secretary-Treasurer.

No. 12.—WARRANT OF DISTRESS FOR ARREARS.

(See Article 362.)

Province of Quebec, }
Municipality of }

The school commissioners (or trustees) for the municipality of _____, in the county of _____, to any bailiff of the Superior Court, acting in and for the district of _____.

Whereas (name and description of the debtor) has been required by the secretary-treasurer of the school commissioners (or trustees) for the municipality of _____, in the county of _____

to pay into his hands, for the use of the said school commissioners (or trustees,) the sum of _____ being the amount due by him to the said school commissioners (or trustees) as appears by the collection roll of the municipality for the year 18____; and whereas the said (name of the debtor) hath neglected and refused to pay to the said secretary-treasurer, within the delay required by law, the said sum of (the amount in words) with the costs of notice and service amounting to (the amount in words;) these are, therefore, to command you to seize, without delay, the goods and chattels of the said (name of the debtor) which may be found within the limits of the said municipality; if, within the space of eight days after such seizure, the above mentioned sums, with the reasonable expenses of the said seizure, be not paid, then you shall sell according to law the said goods and chattels so by you held and you shall pay over the moneys arising from such sale to the secretary-treasurer of the said school commissioners (or trustees,) so that he may apply the same as by law directed, and return

Secretary-Treasurer.

Service. \$

Total.....\$

R. S. Q., Title V, Form No. 11.

Service.....\$

Total.....\$

the surplus, if any, when demanded, to the said (*name of the debtor*), or to whom it may concern; and, if such seizure cannot be effected, in default of goods liable to seizure, you shall then certify the same to me so that such proceedings may be had as the law may require.

Given under my hand and the seal of the said corporation of school commissioners (*or trustees*) this day of the month of _____ in the year of Our Lord one thousand eight hundred and at _____ in the aforesaid district.
(Signature.)

Chairman of the School
Commissioners (*or Trustees*.)

R. S. Q., Title V, Form No. 12.

No. 13.—NOTICE OF THE DAY AND PLACE OF SALE OF
GOODS AND EFFECTS SEIZED FOR SCHOOL TAXES.

(See Article 364.)

PUBLIC NOTICE

Is hereby given that on (*day of the week*) the day of the month of _____ instant (*or next*) at the hour of _____ in the _____ noon at (*designate the place*) the goods and chattels of (*name of the person*) now under seizure in default of payment of the taxes due to the said school commissioners (*or trustees*) will be sold at public auction at (*name the place*.)

Given under my hand at (*place*), in the district of _____ this day of _____, 18 .

(Signature.)

Bailiff or Constable.

R. S. Q., Title V, Form No. 13.

No. 14.—FORM OF TEACHER'S ENGAGEMENT.

(See Article 224, § 1.)

Canada, }
 Province of Quebec. } Municipality of

On the day of the month of in
 the year 18 , it is mutually agreed and stipulated
 between the school commissioners (or trustees) of the
 municipality of in the county of ,
 represented by (*name of chairman*) their chairman,
 under a resolution of the said commissioners (or trust-
 ees) passed on the day of 18 ,
 and (*name of teacher*) teacher, holding a diploma for a
 (*insert grade*) school, residing at , as follows:

The said teacher makes an engagement with the
 said school commissioners (or trustees) for the term
 and space of year from (*insert date*) to the
 day of (unless the diploma of the
 said teacher be withdrawn, or any other legal impedi-
 ment arise) to teach the (*grade of school*) school in
 district No , according to law, to the rules and
 regulations established or to be established by the
 competent authorities, and, amongst others, to exercise
 an efficient supervision over the pupils attending the
 school; to teach the subjects authorized, and to use
 only authorized text-books; to fill up all blank forms
 required by the department of Public Instruction, the
 inspectors or commissioners (or trustees); to keep the
 required school registers; to preserve amongst the
 archives of the school such copy-books and other work
 of the pupils as may be ordered to be put aside; to
 keep the school rooms in good order and not to allow
 them to be used for any other than school purposes
 without permission to that effect; to follow such rules
 as may be established for discipline and punishment;
 in a word to fulfill all the duties of a good teacher;

to hold school every day, except on Sundays and festivals and on the holidays authorized by the commissioners (or trustees) or granted by proper authority.

The commissioners (or trustees) undertake to pay to the said (*name of teacher*) the sum of (*state sum in full*) for the school year as follows: (*state dates upon which payments are to be made*) in current money and not otherwise, and the secretary-treasurer or any other person shall have no right to alter this method of payment, which shall always be made in money to the said teacher.

The said commissioners (or trustees) declare that they agree to the provisions of the law respecting the payment of the salary of said teacher, and respecting suits for the recovery thereof, if necessary, by the superintendent if he deems it advisable.

A copy of the present engagement is forwarded to the superintendent.

In default of any other engagement, the present shall continue to remain in force between the parties until it be legally set aside.

And the parties have signed, after hearing the same read.

Made in TRIPLICATE at _____ the
 _____ day of
 one thousand eight hundred and _____
 (Signature.)
 Chairman of the School Commissioners (or Trustees.)
 (Signature.)
 Teacher.

R. S. Q., Title V, Form No. 14.

P.S.—Form No. 4 of the Regulations of the Roman Catholic Committee or of the Protestant Committee may also be used.

N.B.—The endagement shall not be made for less than one year without a special authorization from the superintendent. (See article 225.)

No. 15.—VALUATION OF SALARIES.

(See Article 523.)

PROVINCE OF QUEBEC,

MUNICIPALITY OF

To the Superintendent of Public Instruction.

SIR,

I have the honor to report that the Officers of Primary Instruction, whose names follow, desire to count as a part of their salary the supplementary benefits derived from their position; therefore, I transmit to you a statement of the amounts of their salaries and the valuation of these benefits.

COUNTIES AND MUNICIPALITIES.	NAMES AND SURNAME OF OFFICERS.	Grade of Diploma.	Grade of School.	Amount of salary payable in cash by the school author- ties.	Annual value of lodg- ing furnished to the teacher by the school authorities or the rate-payers.	Value of fuel and light furnished by the school-board or by the rate-payers for the teachers dwelling.	Value of board if sup- plied by the school authorities or by the rate-payers.	Deduction to be made from the salary of a teacher who, at his own expense, pro- vides an assistant, or the school-room, or the fuel for the classes.	TOTAL.	REMARKS.
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I certify that the salaries specified for the above mentioned Officers of Primary Instruction, and the valuation of the different supplementary benefits which constitutes an augmentation of their salaries, as well as the deductions, are exact.

(Residence and date.)

(Signature.)

School Inspector.

**NO. 16.—APPLICATION FOR TRANSFER OF PAYMENTS
UNDER PENSION ACT OF 1856 TO THE PENSION
FUND OF 1886.**

(See Article 494.)

Province of Quebec, }
Municipality of }

To the Superintendent of Public Instruction.

SIR,

I have the honor to inform you that I desire the money which I have paid to the Pension Fund established by the law passed on the 22nd Dec., 1856, (19-20 Victoria, chapter 14, section 7) to be applied towards the payment of the stoppages required in virtue of chapter eleventh of title fifth of the Revised Statutes of the Province of Quebec, respecting the pension fund of officers of primary instruction.

Dated at the day of 18 .

(Signature.)

Teacher.

R S. Q., Title V, Form No. 17.

PAYMENTS PENSION

(See Articles 495 and 519.)

Province of Quebec, }
Municipality of }

To the Superintendent of Public Instruction.

SIR,

I have the honor to submit for your consideration the particulars of my claim to a pension established for the benefit of officers of primary instruction in virtue of chapter eleventh of title fifth of the Revised Statutes of the Province of Quebec, respecting the pension fund of officers of primary instruction.

I was born at (state place of birth and date.)

I am domiciled at _____ county of _____

I began to teach in the year 18

I have taught in the municipality of _____ or
municipalities of _____

I exercised the functions of teacher during the five school years next preceding the date of the present application in the municipality of _____ or municipalities of _____

I claim the right of admission to the benefit of the law on the following grounds: *(give reasons)*.

Given at the day of 18 .
(Signature.)

Teacher.

R. S. Q., Title V, Form No. 18.

N. B.—This application must be made before November first.

No. 18.—MEDICAL CERTIFICATE.

(See Article 489.)

Province of Quebec, }
Municipality of }

I, the undersigned (*name of physician*), solemnly declare that (*name of applicant*) officer of primary instruction, is affected with the disease of or infirmity (*describe particulars and indicate the causes*) which entirely incapacitates him for the duties of an officer of primary instruction.

I make this declaration, conscientiously believing the same to be true, and in virtue of the act respecting extra-judicial oaths.

Dated at on the day of 18 .

(Signature.)

Physician.

Taken and acknowledged before }
me, at this day }
of 18 .

(Signature.)

J. P.

R. S. Q., Title V, Form No 19.

No. 19.—REQUEST FOR CONTINUANCE OF CONTRIBUTION WHILE TEACHING IN AN INDEPENDENT SCHOOL.

(See Article 517.)

Province of Quebec, }
Municipality of }

To the Superintendent of Public Instruction.

SIR,

I have the honor to inform you that I have thought proper to abandon the occupation of a teacher under the control of school commissioners (or school trustees) of (*name of the municipality*), for the reason that (*give reasons*), and because I have accepted employment in (*name of the institution*), under the control of (*name of person in charge*), with a salary of dollars per annum.

Or that I keep a private school in the municipality of , county of , and that my salary has been valued by Mr. (*name*), inspector of schools, at the sum of \$, as appears by the annexed certificate.

That in virtue of chapter eleventh of title fifth of the Revised Statutes of the Province of Quebec, respecting the Pension Fund of officers of primary instruction, I desire to continue my contributions to the Pension Fund, if the reasons stated above be approved by you.

Dated at the day of 18 .

(Signature).

Teacher.

R. S. Q., Title V, Form No. 20.

N. B.—The salary must be valued by the school inspector of the district. (See article 530.)

No. 20.—APPLICATION FOR PENSION BY WIDOW.

(See Article 501.)

Province of Quebec, }
Municipality of }

To the Superintendent of Public Instruction.

SIR,

I was the wife of the late (*name of deceased teacher*), in his lifetime an officer of primary instruction, who died on the (*date of decease*), at (*parish and county*).

I was born on the (*date of birth*), and was married to the said (*name of deceased teacher*), on the (*date of marriage*), as shewn by the annexed documents; and in consequence, I claim the pension allowed to widows of officers of primary instruction in virtue of chapter eleventh of title fifth of the Revised Statutes of the Province of Quebec.

Dated at the day of 18

(Signature.)

R. S. Q., Title V, Form No. 21.

N. B.—The widow of the functionary must transmit with this application, her certificate of birth and marriage, and a certificate of her husband's death.

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REGULATIONS
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PROTESTANT COMMITTEE
OF THE
Council of Public Instruction.

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SCHOOL REGULATIONS

REVISED BY THE

Protestant Committee of the Council of Public Instruction,

And approved by Order in Council, 30th November, 1888,

WITH AMENDMENTS TO 25TH FEB., 1891, (1).

I.

CONCERNING SCHOOL INSPECTORS.

Examination.

1. There shall be a Board of Examiners for the examination of candidates for the position of inspector of Protestant schools, composed of three members, one of whom shall be the principal of the McGill Normal School. The remaining two members shall be appointed by the Protestant Committee of the Council of Public Instruction.

2. The expenses of this Board of Examiners shall be paid, partly from the deposits of the candidates and partly from the contingent expenses of the Department of Public Instruction.

3. The examiners shall prepare the questions, conduct the examinations in writing, value the answers, and make a written report of the results to the Protestant Committee at the first meeting after the examination.

(1) * Signifies "As amended 6th Nov., 1889."

† Signifies "As amended 24th Sept., 1890."

‡ Signifies "As amended 14th Nov., 1890."

§ Signifies "As amended 25th Feb., 1891."

4. Candidates for the position of inspector of Protestant schools shall appear before the Board of Examiners, or before a sub-committee of the Protestant Committee appointed for the purpose, at Quebec, at the time appointed by advertisement given by the Superintendent of Public Instruction

5 Each candidate shall forward to the Superintendent of Public Instruction, at least six days before the time appointed for the examination, the following documents :

(a) A written application for appointment stating the religious belief of the candidate, and his age, which must not be less than 25 nor more than 50 years ;

(b) Testimonials of good character and conduct according to Form No. 1, prescribed for teachers ;

(c) Certificates of literary attainments and qualifications, of university degree, and of honors, if any, and other particulars bearing upon his qualifications ;

(d) Certificates showing (1), that he holds a diploma, (2) that he has taught at least five years, (3) that he has not discontinued teaching more than five years.

6. Each candidate shall deposit six dollars to defray the cost of advertising in the Quebec Official Gazette, and for other necessary expenses.

7. Each candidate shall be examined with reference to :

(a) The methods of teaching the subjects of the authorized course of study ;

(b) The organization, discipline and management of schools ;

(c) The duties of inspectors, school boards and

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teachers, and] the operation of the school law and regulations of the Province. Fifty per cent. of the marks in each of the three divisions of the examination will be required for passing.

§8. The documents produced by the candidates, and the results of their examination shall be submitted to the Protestant Committee for their approval, and the candidates found qualified by the Committee for the position of inspector shall be granted certificates of the first or second class, according to Form No. 2.

Duties of School Inspectors.

9. It is the duty of school inspectors:—

1. To visit each school of their inspectorates twice every year, giving two hours, on an average, to the inspection of each school ;

2. To examine the pupils upon the authorized course of study, and to insist upon the course being followed by teacher and pupils ;

3. To transmit to the Superintendant (a) the names of those teachers who are eminently successful in carrying out the course of study, and (b) the names of teachers who, after warning, neglect the course of study or teach without a proper time-table ;

4. To ascertain whether the regulations for teachers and for pupils are observed, and to note especially the classification of the pupils, the arrangements and allotments of the time-table, and the manner in which the school journals and registers are kept ;

5. To examine the methods of instruction followed by the teacher ;

6. To give a few model lessons in the presence of the teacher ;

7. To ascertain what methods are used in maintaining discipline ;

8. To give such advice to the teacher as may be deemed necessary ;

9. To encourage teachers to preserve the best specimens of their pupils' work on the authorized form of

test-sheets, in order that the inspector may examine them at his next visit and transmit to the Superintendent specimens worthy of being exhibited ;

10. To ascertain whether the regulations concerning schoolhouses, closets, apparatus, &c., are observed, and especially whether the necessary air space per pupil has been provided, and whether proper attention is paid to the heating and ventilation of the school rooms ;

11. To fill up a bulletin of inspection for each school, and to transmit the bulletins of each municipality to the Superintendent as soon as the inspection of the municipality is completed ;

12. After inspecting the schools of a municipality, to report the results to the commissioners (or trustees), under the following heads :

(1) Condition of the schools of the municipality as to ;

- (a) The use of the course of study,
- (b) A uniform series of text-books,
- (c) The use of definite time-tables,
- (d) Schoolhouses and closets,
- (e) Apparatus (blackboard, authorized journal, &c.)

(2) Serious defects in ;

- (a) The municipality as a whole,
- (b) Particular schools,
- (c) Individual teachers ;

(3) Any action that should be taken by the school commissioners (or trustees) to improve the condition of their schools ;

13. To classify, in their annual reports to the Superintendent, the school municipalities of their inspectorates under the following heads :—1, Excellent ; 2, Good ; 3, Middling ; 4, Bad ; 5, Very bad ; arranging the members of each class in order of merit. The classifi-

cation shall be based upon the following points, each of which shall be valued at ten marks:—

1. The length and arrangement of the school year.
2. The condition of schoolhouses, closets and grounds.
3. The supply of apparatus, blackboards, authorized school journals, maps, etc.
4. The use of the course of study.
5. The use of a uniform series of authorized textbooks.
6. The salaries of teachers and the method of payment.

14. To examine the books of the secretary-treasurers and to ascertain whether they are kept in accordance with the authorized form ;

15. To hold a meeting of teachers in each county, when required by the Superintendent, for the purpose of considering the difficulties, defects and desirable improvements of the schools of the county and the best methods of organizing and teaching elementary schools ;

16. To co-operate with the directors of the Teachers' Institutes in making all necessary arrangements for the institutes to be held in their respective inspectorates ;

17. To forward their annual reports and statistical tables to the Superintendent before the first of August each year.

Prize Books.

10. The inspectors shall distribute the prize books furnished by the Department of Public Instruction as follows:—1. In the municipalities that are endeavoring to comply with the provisions of the school law and regulations ; 2. In the schools in which the teachers are endeavoring to carry out the course of study in accordance with a definite time-table ; 3. To the pupils

who are taking regularly the subjects of the course of study.

11. Prizes shall be awarded for general proficiency in all the subjects of the course of study, but if the examination is unsatisfactory no prize shall be given.

12. Prizes shall be given upon the actual results of the examination by the inspector and upon the information obtained from the teacher. It is desirable that one prize at least should be given in each of the classes of the school. An extra prize may be given for attendance and conduct as shown by the school journal, but this shall be distinct from the prizes for proficiency, and shall not be given unless a school journal has been regularly kept.

13. Prize books given by the inspectors shall not be distributed at public examinations or closing exercises in lieu of prizes to which pupils are entitled from the teachers or school boards.

14. The inspector shall fill up and sign the label to be found in each prize book.

15. The inspector shall enter on the school visitors' register the name of each pupil to whom he gives a prize, his age, the subject for which it was awarded, and the title of the book given. The inspector shall see that the teachers are provided by the school commissioners (or trustees) with a school visitors' register, separate from the school journal, and in schools where there is no register, he shall give no prizes.

16. The prize books are divided into two classes, Roman Catholic and Protestant, distinguished by special labels, and inspectors shall observe this division in distributing the prizes to pupils.

II.

CONCERNING THE PROTESTANT CENTRAL BOARD OF EXAMINERS.

17. The Protestant Central Board of Examiners shall alone have the power to grant diplomas valid for Protestant schools.

18. The diplomas granted by the Central Board of Examiners shall be of three grades, viz.:—Elementary, Model School and Academy, and these are valid for any Protestant school of the same grade in the Province.

19. There shall be three classes of elementary diplomas and two classes of model school and academy diplomas. Third class elementary diplomas shall be valid for one year only.

§**20.** The cities of Montreal, Quebec and Sherbrooke shall be centres of examination for the three grades of diplomas ; and the following places shall be centres of examination for elementary and model school diplomas, viz :—Shawville, Aylmer, Lachute, Huntingdon, Cowansville, Waterloo, Stanstead, Richmond, Inverness, Three Rivers, New Carlisle, and Gaspé Village.

†**21.** The examination of candidates shall begin at the local centres on the first Tuesday in July, or the last Tuesday in June each year, as determined by the Protestant Committee.

22. Each candidate shall notify the secretary of the Central Board of Examiners, in accordance with Form No. 3, at least fifteen days before the date of the examination, of his intention to present himself for examination.

23. Each candidate shall deposit with the secretary of the Central Board before his examination, *first*, a certificate of good moral character, according to the authorized form No. 1, signed by the minister of the

congregation to which he belongs, and by at least two school commissioners or trustees or school visitors of the locality in which he has resided for the six months previous to his examination; *second*, an extract from a register of baptisms, or other sufficient proof, showing that he was at least eighteen years of age last birthday.

24. Each candidate for an elementary or model school diploma, shall pay to the secretary of the Central Board the sum of two dollars, and each candidate for an academy diploma three dollars. These fees shall be used in paying the expenses of the Central Board of Examiners. The fees shall not be returned to a candidate who has failed to obtain a diploma, but at the next examination such candidate may again present himself without extra payment. The candidate or candidates taking the highest number of marks and a second class elementary diploma shall be exempt from fees.

25. Candidates shall be examined in each subject by printed examination papers. These examination papers shall be prepared by the Central Board.

26. The examination at the local centres shall be under the charge of deputy-examiners appointed by the Protestant Committee. The school inspectors shall, when required, act as deputy-examiners, and additional deputy-examiners may be appointed by the committee at a charge not exceeding five dollars per day.

27. The examination papers shall be sent, under seal, to the different deputy-examiners, to be opened by them on the days and hours fixed for examination, and in the presence of the candidates. Each candidate shall write his answers on the paper provided for him, and no other paper shall be used.

28. At the close of the time allotted for each sub-

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ject, the answers of the candidates shall be collected by the deputy-examiner, placed in the appropriate envelope provided for the purpose, and sealed in the presence of the candidates, without being read by the deputy-examiner. No paper shall be returned to the candidates for correction or additions after it has been received from the candidates.

29. At the close of the examination, the envelopes containing the candidates' answers in the several subjects, shall be carefully packed together and forwarded to the secretary of the Central Board, Department of Public Instruction, Quebec.

30. The answers shall be read and valued by the members of the Central Board; the number of marks accorded to each answer, and the total number of marks gained by a candidate in each subject, shall be distinctly marked upon his papers. The papers of each candidate examined, thus marked, shall be fastened together and returned by the secretary, together with the report required by Reg. 42, to the Superintendent of Public Instruction, who will immediately submit the same to the Protestant Committee.

31. The rules contained in Reg. 50 shall be strictly observed in conducting the examination. At the hour fixed for opening the examination on the first day, after the candidates are seated, and before the examination questions are distributed, the rules in Reg. 50 shall be read aloud to the assembled candidates by the deputy-examiner.

32. Candidates for the three grades of diplomas shall be subject to examination in accordance with the requirements of the Syllabus of examination, issued from time to time by the Protestant Committee.

†**33.** Three and a half days shall be allowed for examination for elementary diplomas, four days for model school diplomas, and five days for academy diplomas.

†**34.** The following shall be the order and the subjects of the examination for the three grades of diplomas:—

	ELEMENTARY.	MODEL.	ACADEMY.
Tuesday, 9-12	† Reading, Writing, Dictation ; Arithmetic.	† Reading, Writing, Dictation ; Arithmetic.	† Reading, Writing, Dictation ; Arithmetic.
Do. 2-5.	Grammar & Comp.; Literature.	Grammar & Comp.; Literature.	Grammar & Comp.; Literature.
Wednesday, 9-12.	History, Scripture and Canadian ; Geography.	History, Scripture and English ; Geography.	History, Scripture and English ; Geography.
Do. 2-5.	Drawing ; Art of Teaching.	Drawing ; Art of Teaching.	Drawing ; Art of Teaching.
Thursday, 9-12.	Book-keeping ; Physiology and Hygiene ; School Law.	Book-keeping ; Physiology and Hygiene ; School Law.	Book-keeping ; Physiology and Hygiene ; School Law.
Do. 2-5.	*Algebra ; *Geometry	Algebra ; Geometry.	Algebra ; Geometry.
Friday, 9-12	*French.	French ; Botany .	French ; Botany.
Do 2-5-		*Latin.	Latin ; Roman History.
Saturday, 9-12.			Greek ; Grecian History.
Do. 2-3½.			Trigonometry.

† Reading may be taken any time on Tuesday.

* French, Algebra, and Geometry are not compulsory for a Second or Third Class Elementary Diploma ; and Latin is not compulsory for a Second Class Model School Diploma ; but those candidates only who pass the examination in those subjects are eligible for the First Class Diploma under Regulation 37.

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†**35.** Candidates for elementary diplomas must take at least fifty per cent. of the marks in each of the subjects, Writing, Arithmetic, Geography, Grammar, Scripture History, and the Art of Teaching, and at least one-third of the marks in each of the other subjects. Candidates for model school diplomas must take fifty per cent. of the marks in each of the subjects, Writing, Arithmetic, Geography, Grammar, Scripture History, English History, Art of Teaching, Geometry and Algebra, and one-third of the marks in each of the other subjects. Candidates for academy diplomas must take fifty per cent. of the marks in each of the above named subjects for the model school diploma, and in Latin and Greek, and one-third of the marks in each of the other subjects. Three-fourths of the marks must be taken by all candidates in spelling.

36. Candidates for any diploma, who obtain sixty per cent. of the aggregate marks, shall be entitled to second class diplomas. Candidates for elementary diplomas who obtain forty-five per cent. and less than sixty per cent. of the aggregate marks, shall be entitled to third class elementary diplomas.

37. Candidates holding (a) model school or elementary diplomas, granted under the Regulations of the Protestant Committee before 1st of January, 1887, or (b) second class model school or elementary diplomas, granted under these regulations, who present to the Protestant Central Board of Examiners (a) certificates from a school inspector that they have taught successfully for five years after obtaining such a diploma, or (b) certificates that they have taught successfully three years and attended three Annual Teachers' Institutes and fulfilled the prescribed requirements thereof shall be entitled to receive first class diplomas of the grade which they hold, on the payment of a fee of one dollar.

38. A candidate for an academy diploma, who fails to obtain that diploma, may be granted a second class model school diploma if he passes in each subject, or if he obtains the requisite marks in the subjects prescribed for that diploma. And a candidate for a model school diploma, who fails to obtain that diploma, may, on similar conditions, be granted a second class elementary diploma.

***39.** Candidates for elementary diplomas, who fail in one or two subjects of the examination, may, on the recommendation of the Central Board of Examiners, be granted third class elementary diplomas, and candidates so recommended shall be entitled to receive second class elementary diplomas at the next examination upon passing in those subjects in which they failed.

40. A person holding a diploma as teacher granted by extra-provincial examiners, who desires to obtain a diploma for this Province, shall be exempted by the Central Board of Examiners from examination in any subject in which he passed creditably in his extra-provincial examination. Such person, however, is required to submit to the Protestant Committee the following documents :—

(a) A programme showing the subjects and the nature of the examination upon which he obtained his extra-provincial diploma ;

(b) A certified statement of the marks obtained in each subject of the examination ;

(c) The diploma which he holds ;

(d) A certificate of age, and a certificate of moral character according to the authorized form No. 1 ;

If these documents are satisfactory the Superintendent may, if necessary, grant a permit to teach until the date of examination.

And no exemptions from examinations shall be

granted without a recommendation to that effect from the Protestant Committee, after considering all the circumstances of the case, naming the subjects for exemption and the grade of diploma that may be given. Such person, upon passing the examination in the remaining subjects prescribed for said grade of diploma, and in the School Law and Regulations of the Province, and paying the prescribed fees, shall be granted a diploma of the grade recommended by the Protestant Committee.

† 41. Candidates who are Associates in Arts of not more than two years' standing shall be exempt from examination in the subjects in which they took at least 67 per cent. of the marks in the examination for the certificate of Associate in Arts as follows :—

For all diplomas :—Scripture History and the Optional Subjects, (except Algebra, Geometry, French, Latin, and Greek, in the case of the Academy diploma.)

For the elementary diplomas :—The Preliminary Subjects except dictation, in addition to the foregoing.

42. The Central Board of Examiners shall cause a register of examinations to be kept, in which the secretary shall enter the names of all candidates, and opposite each name the date of examination, the grade of diploma, the class of diploma, and the name of the minister signing the certificate of moral character. The secretary shall transmit to the Superintendent of Public Instruction, within thirty days from the date of examination, a special report of the board as to the results of the examination, containing the names of the candidates to whom diplomas were granted, and such other information as may be required by the prescribed form of report, and as the board may deem it expedient to give ; such reports to be signed on behalf of the board by the president or vice-president and the secretary.

43. On receipt of such report the Superintendent shall issue to the secretary the required number of

diplomas, each diploma being sealed with the seal of the Department of Public Instruction. No diploma shall be valid without said seal and the signatures of the president, or vice-president, and the secretary of the Central Board of Examiners. The diplomas shall be filled in and mailed to the successful candidates by the secretary.

44. Whenever it is evident, from the report to the Superintendent, or from the papers of the candidates submitted to the Protestant Committee, in accordance with Reg. 30, or for other reasons, that the Central Board of Examiners has not conducted any particular examination in accordance with the provisions of the law and these Regulations, the Protestant Committee of the Council of Public Instruction may declare, either, *first*, one or more diplomas granted at said examination, or, *second*, the whole proceedings of said Central Board of Examiners at said meeting, null and void, in which case the Board of Examiners and the candidates who received diplomas shall be notified thereof by the Superintendent.

45. Upon representation made in writing to the Protestant Committee of the Council of Public Instruction by the inspector of any district, that a teacher holding a diploma and teaching in a certain school within his inspectorate, is not in his judgment qualified for the due discharge of the duties of the office held by such teacher, the said teacher may be required by the Protestant Committee to present himself, or herself, before the Board of Examiners and be re-examined in accordance with 1965, R. S. Q.

46. The Board of Examiners shall forward to the Superintendent of Public Instruction, in the month of July each year, a detailed statement of the receipts and disbursements connected with each meeting of the board held during the year.

47. The Superintendent of Public Instruction, or any person delegated by him, may at any time inspect the Register and all documents of the Central Board of Examiners.

48. No member of the Central Board of Examiners shall be present or take part in an examination of the board in which pupils of his own are interested.

49. The form of report of the Central Board of Examiners shall contain a declaration to be signed by the president or vice-president and secretary of the board, stating that the examination has been conducted in strict accordance with the regulations prescribed for such board.

50. The following rules for the examination shall be read to candidates before the examination.

1. The candidates are to be placed in the examination room, so as to prevent copying or communications of any kind between them.

2. At the hour appointed for the examination, the candidates being in their allotted places, the examination papers for that hour shall be opened and distributed to the candidates.

3. The examination papers or any question therein may be read aloud to the candidates by the deputy-examiner, but no explanation whatever shall be given as to the meaning or purport of the questions.

4. No candidate shall be permitted to enter the examination room after the expiration of an hour from the commencement of the examinations, nor after a candidate has left the examination room. Any candidate leaving the examination room after the issue of the examination papers in any subject shall not be permitted to return during the examination of the subject then in hand.

5. No candidate shall give or receive assistance of any kind in answering the examination questions

Any candidate detected (a) in taking into the examination room or having about him any book or writing from which he might derive assistance in the examination, (b) in applying under any circumstances whatever to other candidates, (c) in answering under any circumstances whatever applications from other candidates, (d) in exposing written papers to the view of other candidates, (e) in endeavoring to overlook the work of other candidates, shall be immediately dismissed from the examination. The plea of accident or forgetfulness shall not be received.

6. Candidates shall write their answers on one side only of the paper, and shall use no other paper than that provided for them. The use of blotting paper for rough drafts or for any writing whatever is strictly forbidden.

7. At the close of the examination all the paper furnished to a candidate must be returned to the deputy-examiner.

8. No candidate shall have access to his answers, and no alteration shall be made in a candidate's answers after they are delivered to the deputy-examiner.

9. No persons, except those taking part in the examination, shall be admitted into the examination room during the examination, and no conversation nor anything that may disturb the candidates shall be allowed.

10. The candidates shall be under the direct and careful supervision of the deputy-examiner from the beginning of the examination to its close.

11. The deputy-examiner of each local centre shall sign the following declaration at the close of the examination and forward it to the secretary of the Central Board:—

"I hereby solemnly declare that the examination of

—has been conducted strictly in accordance with the special regulations prescribed for such examinations, that the envelopes containing the printed examination papers were opened, and that the envelopes containing the answers were sealed, in the presence of the candidates and at the time specified, and that the answers forwarded to the secretary have been given, to the best of my knowledge, by the pupils themselves, without assistance from the deputy-examiner, fellow pupils, memoranda or text-book, during the time of examination.

(Signature,)

“.....*Deputy-Examiner.*”

51. The secretary of the Central Board of Examiners shall provide at each local centre (a) a suitable room in which to conduct the examination, (b) a supply of stationery, and (c) the required number of examination papers.

Academy Diplomas.

52. Each Academy Diploma, granted hereafter, shall clearly indicate the class of diploma and the particular provision of these regulations, under which the candidate receives the diploma.

53. Academy diplomas granted by the Central Board of Examiners shall be second class academy diplomas.

†54. Graduates in Arts from any British or Canadian University, who have passed in Latin, Greek, and French, in the Degree Examinations, or who have taken at least second class standing in these subjects in their Intermediate examination, shall

be entitled to receive first class academy diplomas, provided that they have also taken a regular course in the Art of Teaching at the McGill Normal School, or other public training institution outside of the Province approved by the Protestant Committee.

Graduates who have not passed in French as prescribed above may, on application, be examined in that subject before the principal of the McGill Normal School, and, if satisfactory, such examination shall be accepted in lieu of the prescribed standing in French in the University examinations.

55. Teachers taking academy diplomas in course from the McGill Normal School, who take at least second class standing in Latin and Greek in the Intermediate Examination of the Universities shall be entitled to receive first class academy diplomas; otherwise their diplomas shall be second class.

56. Teachers who hold (a) academy diplomas granted before the first July, 1886, or (b) second class academy diplomas granted under these regulations, and who produce satisfactory proof to the Protestant Committee that they have taught successfully for at least ten years, shall, when recommended by the Committee, be entitled to receive first class academy diplomas.

57. Any candidate who presents to the principal of the McGill Normal School, (a) the requisite certificates of age and of good moral character according to Form No. 1, and (b) satisfactory certificates that he has complied with either of the foregoing regulations, 54 or 56, shall be recommended by him to the Superintendent of Public Instruction, for an academy diploma of the class to which he is entitled under these regulations.

†58. Graduates in Arts from any British or Canadian University, who have passed in Latin and Greek, in the Degree Examinations, or who have taken at least second class standing in these subjects in their Intermediate examination shall be entitled to receive second class academy diplomas from the Protestant Central Board of Examiners, provided they pass the examination in the Art of Teaching, School Law, Drawing, Physiology and Hygiene, (and in French if not taken in the University Examinations), as prescribed in the Syllabus of examination for candidates for Academy Diplomas.

Such Candidates shall present themselves at Montreal, Quebec or Sherbrooke, at the time fixed for the examination under the Protestant Central Board. They shall also submit the required certificates of age and moral character and pay a fee of one dollar.

†59. Candidates for Academy Diplomas, who have passed the sessional examinations at the end of the second year of either of the Universities of the Province, shall be exempt from examination in those subjects in which they have taken at least a second class standing in the sessional examinations.

Extracts from the Prospectus of the McGill Normal School in relation to Regulation 54:—

To meet the requirements of graduates and undergraduates in Arts who, not having previously taken a Normal School course, desire to receive Academy diplomas of the first class, under Regulation 54, provision has been made for the delivery of a course of forty lectures on Pedagogy in the Normal School, open to graduates in arts of any British or Canadian University, to undergraduates of the third year and, with the permission of the Faculty and the concurrence of the Principal of the Normal School, to those of the fourth year.

Undergraduates will be permitted to teach the forty half days referred to above at the times extending over the sessions of the Model School corresponding to the third and fourth years of their college course. Graduates will be permitted to teach in the Model Schools at such times as may be agreed on with the Principal.

All persons taking this course of study in the Normal School shall be held to be subject to the regulations of the said school to and be under the supervision of its principal, while in attendance thereat.

Graduates who have taken the above course of study in Pedagogy and the first class Academy diploma, may be entered, if so desired by them, in the published lists of the University as holders of such diplomas.

The following is the syllabus of lectures on Pedagogy, open to graduates and undergraduates as above.

THE LEGAL POSITION OF THE TEACHER.

1. The organization of Public Instruction in Quebec. 2. The relation of the teacher to the Department of Public Instruction and to the Protestant Committee of the Council of Public Instruction. 3. The relation of the teacher to school commissioners and parents. 4. The relation of the teacher to pupils. 5. The teacher as a member of a profession.

DISCIPLINE.

6. Discipline as a means of immediate pleasure to pupils. 7. Discipline as tending to school success. 8. Discipline as a preparation for life. 9. Discipline developing character. 10. Discipline enforced by authority.

INSTRUCTION IN SPECIAL SUBJECTS.

11. English reading, writing, grammar; 12. Literature, composition. 13. French. 14. The classics. 15. Number; arithmetic and algebra. 16. Form; geometry. Number and form; trigonometry and mensuration. 17. Geography and history. 18. Botany and chemistry. 19. Drawing and music. 20. The acquisition of general knowledge.

PHYSICAL DEVELOPMENT.

21. Health. 22. Growth. 23. The training of the eye. 24. The training of the ear. 25. The training of the hand.

MENTAL DEVELOPMENT.

26. The training of the analytic faculty. 27. Observation and experiment. 28. the training of the synthetic faculty; 29. Understanding. 30. Judgment and reason. 31. Invention. 32. Imagination. 33. Memory of sensations. 34. Memory of conceptions. 35. Verbal memory.

MORAL DEVELOPMENT.

36. Training in truthfulness. 37. In justice and purity. 38. In philanthropy and patriotism. 39. In earnestness. 40. In good manners.]

III.

CONCERNING THE CLASSIFICATION OF SCHOOLS.

60. The educational institutions of the Province are divided into Elementary Schools, Institutions for superior education and Normal Schools for the instruction and training of teachers.

61. Protestant Institutions of Superior Education are classified as follows:

1. Chartered Universities and incorporated Colleges affiliated thereto, which are required to make a return of their annual written examinations to the Superintendent in addition to the annual report made by such institutions.

2. Academies and High Schools providing instruction in English, French, Classics, Mathematics, and Science, adequate to the standard of matriculation in the Universities or for the Certificate of Associate in Arts.

3. Model Schools providing instruction in Algebra, Geometry, French and the Latin elements, in addition to the subjects of the elementary schools.

62. The following shall be the course of study for Protestant Elementary Schools, Model Schools and Academies



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ELEMENTARY

SUBJECTS.	GRADE I.	GRADE II.
Scripture Knowledge.....	The first half hour of each day to be devoted to the Opening Godliness, Truthfulness, Honour, Respect for others, Good	
	BOOK I.	BOOK II.
Reading.....	The meaning and spelling of the words of the lesson, the part of the work of each grade. Special attention to be correctness of pronunciation.	
Dictation and Spelling.....	Writing the words of the reading lesson on slates from the blackboard. Writing words dictated by the teacher. Copying words from the Reader.	Copying the reading lesson on slates. Dictation of sentences and detached words from the Reader. Oral spelling.
Writing.....	Slate exercises in holding pencil and in hand movements, Simple words and their letters taken from the reading lesson. Small letters and the numerals.	Capital Letters. Analysis of Letters, Writing on slates, Copy writing.
Arithmetic.....	Mental Arithmetic, Addition and Subtraction with objects, and with numbers of two figures. Reading and writing numbers to 100.	Mental Arithmetic. Four Simple Rules to short division inclusive. Multiplication Table. Avoid Dupes Weight, Long and Liquid Measures.
	LANGUAGE LESSONS.	LANGUAGE LESSONS.
English.....	(Conversation with pupils on familiar subjects. Short stories related by the teacher and repeated by the pupils. Writing names of objects. Writing one or more sentences about a particular object. Memorizing. Correction of colloquial errors.)	(Completing sentences. Forming sentences containing particular words. Writing out the subject matter of a story or of a reading lesson after it has been talked over. Memorizing short selections from the Reader. Correction of colloquial errors.)
Geography.....	Elementary terms. Divisions of land and water. Map of the School neighborhood.	Map of Canada.
History.....	Oral Lessons on the chief events in the life of Christ. Commit to memory the Lord's Prayer.	Oral Lessons on the chief events in Old Testament History to the death of Moses. Commit to memory the Ten Commandments.
Object lessons or useful knowledge	Form, Colour, Size, Weight, Motion, Plants, Animals, Manufactured the Province, and their uses.)	
Music.....	Rote singing.	Rote singing.
Drawing.....	Straight lines and their simpler combinations on slates from the black-board.	Straight lines and curves and their simple combinations on slates from the black-board.
Physiology and Hygiene.....	One half hour per week for each grade.	
French (Optional).	Names of objects in conversation	Names of objects, familiar phrases.
Text-Books necessary for each grade.....	Book I. Fable-Card, Slate, Slate-pencil.	Book II. Table-Card, Slate, Slate-pencil, Copy-book, Blank-book, Pen, Ink.

SCHOOLS.

GRADE III.	GRADE IV.
Exercises. Instruction in Morals, (including readings and lessons upon Manners, Temperance, Kindness to Animals, &c.) and Scripture History.	
BOOK III.	BOOK IV.
subject matter of the lesson, and committing selections to memory, to form given to pleasantness and brightness of tones, fluency, clearness and	
Dictation of sentences and detached words. Meanings of words. Oral spelling.	Dictation. Definitions. Simple derivations, Oral Spelling.
Copy writing.	Copy writing, Business Forms, Elements of Single Entry Book-keeping.
Mental Arithmetic, Long Division, Simple examples in Fractions and in Compound Numbers in ordinary use, and Review.	Mental Arithmetic, Simple examples in Fractions, Decimals, Percentage, Interest, and Mensuration, and Review.
LANGUAGE LESSONS.	
Reading and committing to memory interesting and simple selections from the best Prose and Poetry in the Reader, with questions upon the meaning and allusions of the selections, the meaning of words, and the Parts of Speech.	Parsing and Analysis of simple sentences. Study of selections from the Reader. Letter Writing. Descriptive Composition.
Map of Western Hemisphere. Map Drawing.	Map of Eastern Hemisphere. Map Drawing.
Oral Lessons on the chief events in Old Testament History to the death of Solomon. Outline of Canadian History, French Rule.	Oral Lessons on the chief events in Old Testament History. Outline of Canadian History.
Articles, (Special attention to the Plants, Animals, Forest Trees, and Minerals of	
Rote singing.	Rote singing. Elements of musical notation.
No. 1. Dominion Freehand Drawing Course.	No. 2. Dominion Freehand Drawing Course
Easy sentences with simple forms of familiar verbs.	Reading, easy exercises in translation, regular verbs.
Book III., Slate, Pencils, Copy-book, Blank-book, Pen, Ink, Arithmetic, Geography, Canadian History, Drawing-book No. 1.	Book IV., Slate, Pencils, Spelling-book, Copy-book, Blank-book, Pen, Ink, Arithmetic, Grammar, Geography, Canadian History, Drawing-book No. 2.

MODEL

SUBJECTS.	GRADE I.
SCRIPTURE KNOWLEDGE.	The first half hour of each day to be devoted to lear's Old Testament History.
READING.....	Book IV.
SPELLING.....	Dictation, derivation and verbal distinctions for
WRITING.....	Copy Writing, Business Forms and Single Entry
ARITHMETIC.....	Mental Arithmetic, simple examples in Vulgar Fractions, and Review.
ENGLISH.....	Parsing, Analysis of Simple Sentences, Letter Writing, Descriptive Composition, Study of selections from the Reader.
GEOGRAPHY.....	North America with special study of the Domin- ion, Map Drawing.
HISTORY.....	Outlines of Canadian History.
ALGEBRA.....	
GEOMETRY.....	
FRENCH.....	Exercises in Words and Phrases.
LATIN (optional).....	
PHYSIOLOGY AND HYGIENE	One half hour per week for each Grade. Text-
DRAWING.....	No. 2, Dominion Freehand Drawing Course.

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SCHOOLS.

GRADE II.

GRADE III.

Opening Exercises, Instruction in Morals, and Scripture History as in Mac-

BOOK V.

BOOK V AND SELECTIONS FROM PRE-
SCRIBED POEM.

each grade.

Book-keeping for each grade.

Mental Arithmetic, Vulgar and Deci-
mal Fractions, Compound Rules and
Review.

Mental Arithmetic, Percentage and its
applications, Square Root, Simple ex-
amples in Mensuration and Review.

Etymology (Noun, Adjective and Pro-
noun), Analysis of Simple sentences,
Letter Writing, Composition, Study
of selections from the Reader.

Etymology, Analysis of easy sentences
and Review, Letter Writing, Compo-
sition, Goldsmith's Deserted Village.

Europe with special study of the
British Isles, Map Drawing.

North and South America in detail,
Map Drawing.

Outlines of English History.

Canadian History.

The Simple Rules.

Easy exercises in Simple Equations of
one unknown quantity and in Factor'g.

Book I, 1-26.

Article, Noun and Adjective with writ-
ten exercises, Simple Tenses of *avoir*
and *être*, Pres., Imp., and Fut. Tenses
of Regular verbs of the 1st Conjugation

Adjectives and Pronouns with Writ-
ten Exercises, Regular Verbs of the
four Conjugations, Translation, Dic-
tation.

The Declensions, the verb *sum* and ex-
ercises.

The four Conjugations, Written Exer-
cises and Review.

Book for Model School Grades, Hygiene for Young People, Pathfinder Ser. No 2.

No. 3, Dom. Freehand Drawing Course

No. 4, Dom. Freehand Drawing Course

SUBJECTS.	GRADE I.
SCRIPTURE KNOWLEDGE....	The first half hour of each day to be devoted to lear's New Testament History.
READING	BOOK V AND SELECTIONS FROM PRESCRIBED POEM.
WRITING.....	Copy Writing, Business Forms and Single Entry- Book-keeping.
ARITHMETIC.....	Mental Arithmetic, Percentage and its applica- tions, Square Root, Simple Examples in Men- suration and Review.
ENGLISH.....	Etymology, Analysis of easy sentences and Re- view, Letter Writing, Composition, Goldsmith's Deserted Village.
GEOGRAPHY.....	North and South America in detail, Map Drawing
HISTORY	Canadian History.
ALGEBRA.....	Easy Exercises in Simple Equations of one un- known quantity and in Factoring.
GEOMETRY	Book I. 1-23.
FRENCH.....	Adjectives and Pronouns, with Written Exercises Regular Verbs of the four Conjugations, Trans- lation, Dictation.
LATIN	The four Conjugations, Written Exercises and Review.
GREEK	
PHYSIOLOGY AND HYGIENE	One half hour per week for each Grade. Text-
DRAWING.....	No. 4, Dominion Freehand Drawing Course.
SPECIAL COURSE (Instead of Greek.)	

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GRADE III.

Opening Exercises, Instruction in Morals and Scripture History as in Mac-

BOOK V. OR DRAMATIC READER.

BOOK V. OR DRAMATIC READER.

Copy Writing and Book-keeping.

Complete Arithmetic.

Mensuration.

Syntax, Analysis of sentences, Composition and Review, Scott's Lady of the Lake.

Grammar, The Play of Shakespeare appointed for the A. A. Examination, Scott's Lady of the Lake, Meiklejohn's English Language and Literature.

General Geography.

British History.

Grecian History and Roman History.

Factoring, Fractions, G.C.M. & L.C.M., Simple Equations and Review.

Quadratic Equations, Involution and Evolution and Review.

Books I. and II.

Books I. II. and III.

Verbs, Regular and Irregular; Written Exercises, Translation, Dictation.

Complete Grammar, Written Exercises, Translation, Dictation.

Syntax, Cæsar, Bell. Gal. Lib. I., 1-25.

Grammar, Cæsar, Bell. Gal. Lib. I., Virgil, Æneid, I., 300 lines.

The Declensions, the inflections of verbs in Omega and Mi, with exercises

Grammar, Xenophon's Anabasis, Book I.

book, Cutter's Intermediate.

No. 5, Dominion Freehand Drawing Course.

General Review of Freehand and Geometrical Drawing, with Perspective and Model Drawing.

One of the following subjects:—
Botany, Chemistry or Physics.One of the following subjects:—
Trigonometry, as in Hamblin Smith, pp. 1-100 omitting chapter XI., Botany, Chemistry or Physics.

Academies and Model Schools.

63. In order that an institution may be recognized as an Academy it must fulfil the following conditions:

1. It must be under the control of, and receive financial support from, the school board of the municipality in which it is situated.

2. A suitable school building, furnished with the necessary appliances, must be provided.

3. It must be organized in three departments, viz.: Elementary, Model School and Academy.

4. Three teachers must be employed, one of whom must hold an academy diploma.

5. The teachers must be engaged at fixed salaries by the school board.

6. The authorized course of study must be followed in each department.

7. The pupils must pass satisfactorily the annual written examination prescribed for such schools.

8. It must remain in session at least one hundred and eighty days during the year.

64. In order that an institution may be recognized as a Model School it must fulfil the conditions prescribed for Academies, except that it may be organized in two departments, elementary and model, under two teachers, one of whom must hold, at least, a model school diploma.

65. It shall be competent, however, for the Protestant Committee to recommend a special grant to one school in a county, when the conditions requisite for a Model School or an Academy have not been fulfilled.

66. No institution is allowed to change the title under which it is known, so as to transfer it from one grade of institution recognized by law to a higher

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grade, without being previously authorized to do so by the Protestant Committee.

67. Every pupil desiring to enter the model school department of a superior school must undergo an examination in the subjects of Grade III. Elementary Course, and pupils desiring to enter the academy department must undergo an examination in the subjects of the Grade II. Model School Course.

68. The school board shall fix a uniform school fee for each department of a superior school so that there may be one fee for the whole course of study of each department.

69. Academies and Model Schools, that receive no grant in any year, must make application if they desire to be inspected by the inspector of superior schools the following year.

70. Academies and Model Schools are required to send to the Department of Public Instruction, before the first of July each year, specimens of school exercises in Writing, Drawing, Map Drawing and Mathematics, prepared upon the approved form of paper, and these specimens shall be taken into consideration in the distribution of the grants.

Inspection of Academies and Model Schools.

71. It is the duty of the Inspector of Superior Schools:

1. To inspect the Protestant Academies and Model Schools of the Province at any time from 1st of October to the 1st of May, giving one day at least to the inspection of each school;

2. To examine the buildings and furnishings of each school, and the condition of the outhouses;

3. To note the number of pupils on the roll, and the number present on the day of inspection ;

4. To ascertain how far the course of study is being carried out in each school and what, if any, are the obstacles to this being done fully ;

5. To inquire into the work and the progress of the work in the several grades ;

6. To examine the time-table, and ascertain whether it is judiciously framed or not ;

7. To take notes of each teacher's method of conducting his classes, whether he enlists the interest and attention of his pupils, whether there are indications of careful preparation for the work on his part or not ;

8. To note the strong and weak points of each school ;

9. To give each teacher, privately, such judicious hints and suggestions in the conduct of his school as may seem necessary in the circumstances ;

10. To fill up the bulletin furnished by the Superintendent for each school ;

11. To submit a general annual report upon the prescribed work of inspection at the September meeting of the Committee, along with the tabulated returns of the results of the written examination, and to submit an interim report upon the work of inspection at each of the three remaining quarterly meetings of the Committee ;

12. To prepare the examination papers in accordance with the authorized course of study, that is fifteen subjects in Academies and thirteen in Model Schools, and to submit them to the sub-committee on examinations, for revision and approval.

72. The Inspector of Superior Schools shall, in the tabulated returns of the written examination, report in regard to each school :—

1. The number of pupils on the roll for the term in which the examination is held, and the number present on the day of examination.

2. The number of pupils presented for examination in each grade.

3. The number of pupils not classed in any grade, and the subjects taken by them.

4. The number of pupils that have passed in each grade, and the number that have failed in each.

5. The information required in the form of report, in which the standing of the pupils in the several grades shall be given, and separately the standing of the ungraded pupils in the subjects which they have taken, along with a copy of the examination papers.

Written Examination of Academies and Model Schools.

73. There shall be an annual written examination of the Protestant Academies and Model Schools held simultaneously under the direction of local deputy-examiners appointed by the Protestant Committee.

74. In these written examinations pupils shall be considered as having passed in their respective grades provided they pass in Writing, Spelling, Arithmetic, Grammar, Geography, History, Scripture, French, Physiology & Hygiene and Drawing; except (1) that pupils in Grade I. Model School Course, will also be required to pass in English, (2) that pupils in Grade II. Model School Course, will also be required to pass in at least one of the remaining subjects of their grade and (3) that pupils of Grade III. Model School Course, and of Grades I. and II. Academy Course, will also be required to pass in at least three of the remaining subjects of their respective grades of which Latin shall be one.

†75. The papers for these examinations shall be prepared by the inspector of superior schools. Pupils who pass in the subjects prescribed for their respective grades will be entitled to receive certificates to this effect from the Department of Public Instruction.

†76. Pupils of Grade III. Academy Course, shall take the University School Examinations for the Certificate of Associate in Arts and those who pass for the Certificate of Associate in Arts shall be held to have passed in their Grade.

†77. The examination of the pupils of Grade III. Academy Course, for the certificate of Associate in Arts, will be in accordance with the standard prescribed in the course of study for that Grade.

78. The examination shall be held the first week in June.

79. Pupils over eighteen years of age may receive the certificates of the Universities and the title of Associate in Arts, but they shall not be ranked with the other candidates.

80. The examination papers, including those for the A. A. Examination, shall be distributed from the Department of Public Instruction by the inspector of superior schools, and the answers of the pupils shall be returned to the Department in accordance with instructions to deputy-examiners. The answers of the pupils of Grade III. Academies shall be transmitted directly to the secretary of the Board of Examiners of the Universities, for examination and report thereon for the information of the Protestant Committee.

81. The maximum number of marks for each subject shall be as follows :—In Grade I. 50 ; in Grade II. 75 ; and in Grade III. 100. In the examinations, pupils shall not be considered as having passed in any subject unless they have obtained at least one-third (and in the case of Reading and Dictation three-fourths) of the marks attainable in that subject.

†**82.** The examination papers prepared by the inspector of superior schools shall consist of nine questions in each subject, arranged in three groups, only one question from each group to be answered by pupils of Grades I. and II. Model School Course, and two from each group by pupils of other Grades.

83. Two papers shall be prepared for the Academy Grades I. and II. on each of the subjects of English, Geography and History in accordance with the course of study, but at the option of the teacher, the deputy-examiner may adopt one of the two as the examination paper for the two grades. No pupil, however, shall select questions from more than one of such papers.

84. In order to be eligible for examination a pupil must be in attendance ninety days at least, during the current scholastic year.

Privileges granted to successful pupils.

85. Pupils who have passed for the certificate of Associate in Arts and who have taken two-thirds of the aggregate marks, and who have passed in French, shall be eligible, without further examination, to enter the Model School class of the McGill Normal School ; and pupils who have passed Grade III. of the Model

School shall be eligible to enter the Elementary class without examination.

†2. Candidates for teachers' diplomas under the Central Board of Examiners, who are Associates in Arts of not more than two years' standing are entitled to exemptions as provided in Regulation 41.

3. Associates in Arts who have passed in Latin, Greek, Algebra and Geometry, may, without further examination, enter the Faculties of Arts of the two Universities of McGill College and Bishop's College. Those who have passed in Algebra and Geometry may enter the Faculty of Applied Science of McGill University.

4. The secretary of the Protestant Committee will, on application, furnish successful pupils with evidence of their qualifications with reference to the Normal School and Boards of Examiners.

86. Deputy-examiners shall observe the following instructions:—

1. The pupils shall be under the direct and careful supervision of the deputy-examiners throughout the examination.

2. The examination questions shall be sent to the deputy-examiners in sealed envelopes, and the examinations shall be held on the days and during the hours, and these only, which are specified on the envelopes.

3. Before opening the envelopes for the first hour of the examination, the deputy-examiner shall read aloud the special instructions to pupils.

4. The answers of the pupils shall be written upon half pages of foolscap paper, fastened together at the

top left hand corners. The pupils shall use no other paper than that provided for them. The use of blotting paper or the printed examination paper or slates, for rough drafts or for any writing whatever, is strictly forbidden.

5. No persons, except the head teacher and the deputy-examiner, shall be admitted into the school room during the examinations, and neither teacher nor deputy-examiner shall communicate with any pupil during the progress of any examination. Any necessary instruction shall be given aloud to the whole class.

6. At the hour appointed for each subject, after all books have been removed from the desks occupied, and the pupils have been given their allotted places, and provided with paper, blotting paper, pens and ink, the envelopes for that hour shall be opened and the examination papers distributed to the pupils.

7. The examination papers, or any question therein, may be read aloud to the pupils by the deputy-examiner: but no explanation, whatever, shall be given as the meaning or purport of the questions.

8. No pupil shall be permitted to enter the examination room, after the expiration of an hour from the commencement of the examination, nor after a pupil has left the examination room. Any pupil leaving the examination room after the issue of the examination papers in any subject shall not be permitted to return during the examination of the subject then in hand.

9. At the close of the time allotted for each subject, the answers of the pupils shall be collected by the deputy-examiners, placed in the appropriate envelope provided for the purpose, and sealed in the presence of the pupils, without being read by the teacher or deputy-examiners. No paper shall be returned to the pupils for corrections or additions after it has been received from the pupils.

10. At the close of the examination, the envelopes containing the pupils' answers in the several subjects, shall be carefully packed together and forwarded to the inspector of superior schools, Department of Public Instruction, Quebec.

11. No pupil shall give or receive assistance of any kind in answering the examination questions. Any pupil detected (a) in taking into the examination room or having about him any book or writing from which he might derive assistance in the examination; (b) in applying under any circumstances whatever to other pupils; (c) in answering under any circumstances whatever applications from other pupils; (d) in exposing written papers to the view of other pupils; (e) in endeavoring to overlook the work of other pupils, shall be immediately dismissed from the examination by the deputy-examiners. The plea of accident or forgetfulness shall not be received.

12. The head teacher and the deputy-examiners of each school shall sign the following declaration at the close of the examination and forward it to the inspector of superior schools:—

We hereby solemnly declare that the examination of ——— has been conducted strictly in accordance with the special regulations prescribed for such examinations, that the envelopes containing the printed examination papers were opened, and that the envelopes containing the answers were sealed, in the presence of the pupils and at the times specified, and that answers forwarded to the Department have been given, to the best of our knowledge, by the pupils themselves, without assistance from deputy-examiner, teacher, fellow pupils, memoranda or text-book, during the time of examination.

Signature { *Deputy-Examiners.*
 *Teacher.*

87 The following instructions shall be observed by the pupils :—

1. Write your name (or number in case of Grade III. Academies), on the right hand upper corner of each page.

2. Write as plainly as you can, and use one side only of the paper.

3. Leave a margin on the left hand side of the page. Write in the margin nothing but the number of the question you are about to answer. Do not write the question itself. Two answers on the same page must be separated by a line.

4. You must on no account ask any one to explain the meaning of any question.

5. The full number of sheets, fastened together and given to you for writing your answers, must be returned. No sheet is to be separated, torn out, or destroyed. Draw your pen through any writing not intended as an answer or part of an answer.

6. Your answers must be written upon the paper provided. The use of other paper, blotting paper, the printed examination paper, or slates, for rough drafts or any writing whatever, is strictly forbidden.

7. You must not communicate with any pupil or other person in the room, directly or indirectly, during the progress of an examination. You must not give or receive assistance of any kind in answering the questions, either from pupils, memoranda or books. Any infraction of this or the preceding rule will involve the loss of the whole examination.

NOTE.—No fees will be exacted for the examination of pupils of Academies under the control of the Protestant Committee, but in order to obtain the certificate from the Universities the prescribed fees, viz.: \$4.00 for A. A. certificates and \$2.00 for junior certificates must be paid to the Secretary of the University Examiners.

IV.

CONCERNING THE MCGILL NORMAL SCHOOL.

88. The McGill Normal School in the city of Montreal is established chiefly for the purpose of training teachers for the Protestant population, and for all other religious denominations of the Province of Quebec other than the Roman Catholic. The studies in this school are carried on chiefly in English, but French shall also be taught.

89. The Corporation of McGill University is associated with the Superintendent of Public Instruction in the direction of the McGill Normal School under the regulations of the Protestant Committee, and it is authorized to appoint a standing committee consisting of five members, called "The Normal School Committee," which shall have the general supervision of the affairs of the Normal School.

90. It shall be the duty of this Committee, in conjunction with the Superintendent of Public Instruction, under the regulations of the Protestant Committee of the Council of Public Instruction, to watch over the interests of the school, to supervise its expenditures, to make by-laws for its government, to provide for all unforeseen emergencies, and to employ from year to year assistants in the Normal and Model Schools other than the principal and professors of the Normal School and the head master and head mistresses of the Model Schools.

The Staff of the McGill Normal and Model Schools.

91. The professors of the Normal School shall be divided into two classes, Ordinary professors and associate professors. These shall be under the direction

of a principal, who, as such, will have particular duties to perform, for which he will bear the responsibility. Any one of the ordinary professors may be chosen to fill the office.

2. Each ordinary professor may be required to teach several branches of study, and to devote the whole of his time to the Normal School.

3. The associate professors shall teach one or more separate branches, and shall not be required to devote the whole of their time to the school.

92. There shall be a Head Master of the Boys' Model School, a Head Mistress of the Girls' Model School and a Head Mistress of the Primary School, and they shall be under the general direction of the principal of the Normal School.

Annual Sessions of the Normal and Model Schools.

93. The Annual Sessions of the Normal and Model Schools shall begin on the first school day of September of each year and end in the Normal School on the last school day of May, and in the Model School on the last school day of June. Such holidays shall be kept as are prescribed by the Protestant Committee of the Council of Public Instruction, or by the Normal School Committee.

Course of Study.

94. The course of study in the Normal School shall embrace in each grade the subjects of the Syllabus of Examination for the teachers of that grade, together with such additional subjects as may from time to time be chosen by the Normal School Committee.

The Model Schools shall conform as closely as possi-

ble to the authorized course of study for Elementary and Model Schools.

Terms of Admission.

95. Any British subject who produces a certificate of good moral character from the minister of the congregation to which he belongs, and evidence to show that he has completed the sixteenth year of his age, may be admitted to examination for entrance into the Elementary School Class, or, if he has completed his seventeenth year, to the entrance examinations of the Model School Class.

96. Previous to admission to the Elementary School Class every pupil-teacher shall undergo an examination as to his sufficient knowledge of reading, writing, the rudiments of grammar in his own language, geography, and arithmetic; before admission to the Model School Class he must give proof of his knowledge of the subjects of the previous year. Except as stated below, the examination shall take place before the principal, or before such other person as he may specially appoint for the purpose.

97. All candidates who present certificates of having passed in Grade III. Model School Course, and all holders of elementary school diplomas, shall be exempt from examination for admission to the Elementary School Class. All candidates who have passed at the A. A. examinations, taking two-thirds of the aggregate marks, and who have passed in French, and all holders of model school diplomas, shall be exempt from examination for admission to the Model School Class. Holders of elementary school diplomas, desiring admission to the Model School Class, shall be examined in Algebra, Geometry and French only.

98. No candidate is admitted to the Normal School

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until the provisions of the school laws respecting admission have been fulfilled.

99. Candidates shall be admitted to examination for entrance only at the times regularly appointed by the principal of the school at the beginning of the session. Candidates exempt from examination can only be admitted during the first week of the session except that teachers who may be actually engaged in teaching at the commencement of the session may, at the discretion of the principal, be admitted up to but not later than the close of the Christmas vacation. No teacher-in-training so admitted later than the first of October shall share in that part of the bursary fund which is distributed at Christmas.

Conditions of continuance in the Normal School.

100. Teachers-in-training guilty of drunkenness, of frequenting taverns, of entering disorderly houses or gambling houses, or keeping company with disorderly persons, or committing any act of immorality or insubordination, shall be expelled.

101. Each professor shall have the power of excluding from his lectures any student who may be inattentive to his studies, or guilty of any minor infraction of the regulations, until the matter can be reported to the principal.

102. All teachers-in-training must in order to continue in the Normal School pass the Christmas semi-sessional examinations.

103. In exceptional cases the principal of the Normal School may admit on trial to the classes persons whose qualifications may be insufficient for entrance. Such persons may be excluded from the school by the principal whenever he may judge it best so to do; but

none shall be permitted to enter or to remain on trial after the semi-sessional examinations.

Boarding Houses.

104. The teachers-in-training shall state the place of their residence; and those who cannot reside with their parents will be permitted to live in boarding houses, but in such only as shall be specially approved of. No boarding houses having permission to board male teachers-in-training will be permitted to receive female teachers-in-training as boarders, and *vice versa*.

2. They are on no account to be absent from their lodgings after half-past nine o'clock in the evening.

3. They will be allowed to attend such lectures and public meetings only as may be considered by the Principal conducive to their moral and mental improvement.

4. A copy of the regulations shall be sent to all keepers of lodging-houses at the beginning of the session.

5. In case of lodgings being chosen by parents or guardians, a written statement of the parent or guardian shall be presented to the principal.

6. All intended changes of lodgings shall be made known beforehand to the principal or to one of the professors.

7. Boarding-houses shall be visited monthly by a committee of professors.

8. Special visitations shall be made in case of sickness being reported, either by professors or by ladies connected with the school; and, if necessary, medical attendance shall be procured.

9. Students and lodging-house keepers are required to report, as soon as possible, all cases of serious illness and all infractions of rules touching boarding-houses.

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Attendance on Religious Instruction.

105. Teachers-in-training will be required to state with what religious denomination they are connected; and a list of the students connected with each denomination shall be furnished to one of the ministers of such denomination resident in Montreal, with the request that he will meet weekly with that portion of the teachers-in-training, or otherwise provide for their religious instruction. Every Thursday after four o'clock will be assigned for this purpose.

106. In addition to punctual attendance at weekly religious instruction, each student will be required to attend public worship at his own church at least once every Sunday.

Privileges of Teachers-in-training.

107. All teachers-in-training are entitled to free tuition.

108. At the close of the semi-sessional examinations the sum of \$400 from the bursary fund will be divided among the forty most successful pupils who do not reside at home with parents or guardians during their attendance at the school. Similarly the sum of \$800 will be divided at the close of the sessional examinations. The remainder of the bursary fund will be divided as an allowance for travelling expenses among Teachers-in-training residing in the Province of Quebec at a distance of more than ninety miles from Montreal, in a proportion determined by the excess of distance above ninety miles, it being provided that no allowance for travelling expenses shall exceed ten dollars.

109. All teachers-in-training who pass the semi-sessional examinations in the Normal School with 60 per cent. of the total marks and who have not fallen below 50 per cent. in any one of the groups of sub-

jects, English, Mathematics, French and Miscellaneous, nor in any one of the subjects required by the Syllabus of Examination prescribed for diplomas of the grade to which they aspire, shall be entitled to continue in their classes after Christmas. Except by the special permission of the principal, none others shall be entitled to this privilege, nor to a share in the Christmas bursary.

110. All teachers-in-training who attain the standards defined above at the final examinations in the Normal Schools shall be entitled to diplomas of the grade of the class to which they belong, and, except with the concurrence of the principal of the school and the professor of each subject in which there has been failure, none others shall receive diplomas or share in the bursary fund.

111. All holders of elementary school diplomas obtained by reaching the standards defined above shall be entitled to admission to the Model School Class; none others, without the special permission of the principal. Such holders of elementary school diplomas as have taken not less than 75 per cent. of the total marks nor less than 60 per cent. of those in any subject essential to the diploma according to the Syllabus of Examination of the Protestant Committee of the Council of Public Instruction, shall be entitled to admission among the "selected students" mentioned in the following paragraph, but others may be so admitted by the principal.

Students for the Academy Diploma.

112. The Normal School shall bring up selected students at the end of the Model School year to the examinations for the entrance into the first year of the Faculty of Arts of the Universities. They may be examined either at the examinations for the Associate in

Arts in June, or at those for the matriculation in autumn, and shall take the full course of study in the first and second years.

2. Such students shall be enrolled in the Normal School as students of the Academy Class, and shall be under the usual pledge to teach for three years. They shall engage in the practice of teaching at such times and in such schools as may be from time to time arranged by the principal in consistence with their college work, and shall be under the principal and the regulations of the Normal School.

3. On report of the colleges which such students may be attending that they have passed creditably in the Christmas and sessional examinations respectively they shall be entitled to bursaries, not exceeding thirty dollars per session, in aid of fees and board. Such bursaries may be paid by the Normal School Committee out of any fund available for the purpose.

4. On passing the intermediate, or equivalent examination, of the Universities, such students will be entitled to receive academy diplomas, in accordance with the regulations of the Protestant Committee of the Council of Public Instruction for such diplomas.

5. Such students may, with the advice of the principal, attend classes at McGill or its affiliated colleges, or at Bishop's College, and the Normal School Committee shall make such arrangements as may be possible for free tuition at such colleges.

6. It shall be competent to the principal of the Normal School to provide any tutorial assistance that may in his judgment be necessary for academy students. Also, it shall be his duty in the case of optional studies to select for the students those required for the curriculum of the Normal School.

7. It shall be competent to students who have taken academy diplomas as above to continue for two years

longer at the University, or to return thereto after teaching for a time, in order to take the degree of Bachelor of Arts, but they shall be held bound to fulfil their engagements to teach, and they shall not be entitled to bursaries.

Teachers' Institutes.

113. Institutes for the instruction of teachers in the Science and Art of Education and School Management, shall be held annually.

114. The Institutes shall be under the management of the (English) secretary of the Department of Public Instruction and the principal of the McGill Normal School, as Directors, who shall be responsible to the Protestant Committee of the Council of Public Instruction for the proper conduct of the Institutes.

115. The directors shall, subject to the approval of the Protestant Committee, determine each year the number of Institutes to be held, the time and place for holding the same and the programme to be followed at each Institute.

116. Certificates of attendance at the Institutes shall be issued to members of such from and upon such conditions as may be determined from time to time by the directors with the approval of the Protestant Committee.

117. In conducting the Institutes the directors shall have the assistance of the professors of the McGill Normal School and of the inspector of Protestant superior schools.

118. Until a special grant is made for the maintenance of the Institutes, the expenses incurred in connection therewith by the principal and professors of the McGill Normal School shall be defrayed by the Normal School.

V.

CONCERNING THE DUTIES OF SCHOOL COMMISSIONERS
AND TRUSTEES.*School Grounds.*

119. School sites shall, when possible, be in dry elevated positions, easily accessible, and provided with good water.

120. School sites shall, when possible, be isolated and so situated that the surroundings will not interfere with the work of the school room nor with the morals of the pupils.

121. School sites shall be as far removed as possible from swamp, or cemetery.

122. The school grounds shall be properly levelled and drained, planted with shade trees and enclosed by a substantial fence. They shall, when possible, not be less than a quarter of an acre in extent. A larger area shall be provided for large schools.

123. Separate closets or privies shall be provided for the sexes. A close fence, at least six feet in height, extending from the closets to the school building, shall separate the approaches to these closets.

124. Proper care shall be taken to secure cleanliness in these closets and to prevent unpleasant and unhealthy odors. The approaches from the school house to the closets shall be so kept that the closets may be reached with comfort in all kinds of weather.

Schoolhouses.

125. The schoolhouse shall, when possible, be placed at least thirty feet from the public highway.

126. When the number of children of school age in a district exceeds seventy-five, the schoolhouse shall

contain at least two rooms, when it exceeds one hundred and twenty-five three rooms, an additional room, at least, being required for each additional fifty children.

127. In each school room the area shall be at least fifteen square feet for each pupil, and the height from floor to ceiling at least ten feet so as to give at least one hundred and fifty cubic feet of air space per pupil.

128. There shall be ante-rooms or cloak rooms for pupils of both sexes, separate from the school room, warmed and ventilated and supplied with hooks and with shelves for the pupils' luncheon. (The outside door should never open directly into the school room).

129. The heating apparatus shall be so placed as to give a uniform temperature of sixty-five degrees, determined by a thermometer, in the school room during school hours.

130. The windows of a school room shall be placed on both sides of the school room, or on the left side of the pupils and behind them, but never in front of the pupils. The area of the windows, collectively, shall not be less than one-sixth of the floor surface of the school room. The top of each window shall be carried up as near the ceiling as possible; and the bottom of the side windows shall be at least four feet from the floor of the room, and the bottom of the windows behind the pupils at least six feet from the floor.

131. The windows shall open readily from the top and bottom, and when double windows are used a ventilator shall be provided at the top and bottom of each double window.

132. There shall be in every school room ample provision for the admission and circulation of pure air and for the escape of impure air.

133. The schoolhouses are to be built in accordance with plans and specifications furnished or approved by the Superintendent.

134. School boards shall see that each schoolhouse is kept in good repair, that the windows are properly filled with glass, and that suitable fuel is provided; that the desks and seats are in good repair, that the outhouses are properly provided with doors and kept clean, that the blackboards are kept painted, that there is a supply of good water, and that everything that is necessary for the comfort of the pupils and the success of the school is provided. When a manager is appointed, the school board shall see that he performs his duties in a proper manner.

135. No public schoolhouse or school ground or any building, furniture, or other thing pertaining thereto, shall be used or occupied for any other purpose than for the use or accommodation of the public school of the district, without the express permission of the school board or the chairman thereof, and then only on condition that all damages are made good by the persons obtaining permission, and that the school room is properly cleaned before the time for opening the school.

136. The teacher has charge of the schoolhouse on behalf of the school board. He has no authority to use the schoolhouse other than as directed by them, without their sanction. At the request of the school board he must at once deliver up the key of the schoolhouse to the chairman.

School Furniture and Apparatus.

137. A sufficient number of seats, provided with backs, and desks shall be provided for the accommodation of all the pupils ordinarily in attendance at the school.

138. The seats and desks shall be so arranged that the pupils may sit facing the teacher. Not more than two pupils shall be allowed to sit at one desk.

139. The height of the seats shall be so graduated that all pupils may be seated with their feet firmly upon the floor. (To accommodate pupils of all ages the desks should be of three different sizes).

140. The seats and desks shall be fastened to the floor in rows with aisles at least eighteen inches in width between the rows; passages, at least three feet wide, shall be left between the outside rows and the side and the rear walls of the room, and a space from three to five feet wide, between the teacher's platform and the front desks.

141. Each desk shall be so placed that its edge will be directly over the edge of the seat behind it. The desk shall be provided with a shelf for pupils' books.

142. There shall be a teacher's desk of convenient form with lock and key placed upon a dais or platform at least six inches in height.

143. There shall be a cupboard, provided with lock and key, for the preservation of school records and apparatus.

144. There shall be a blackboard, at least three feet six inches wide, extending across the whole room in rear of the teacher's desk, with its lower edge not more than two and a half feet above the floor or platform; and, when possible, there shall be an additional blackboard on each side of the room. At the lower edge of each blackboard there shall be a shelf or trough for holding crayons and brushes.

145. There shall be in every school room, a jacketed stove (unless another system of heating is used) a wood-box or coal-bucket, a shovel, a poker, a broom, a water bucket, a drinking cup, a hand bell, a clock, a thermometer, a copy of the school regulations, a copy of the authorized course of study, and an authorized school journal; and in every school a standard dictionary, a visitors' register, a set of tablet lessons of Part

I. of the First Reader, a supply of crayons and black-board brushes, a waste paper box, a map of North America, a map of Canada and a map of the Province of Quebec.

146. Provision shall be made by every school board for sweeping each schoolhouse daily and for scrubbing the floors at least once every two months, and for making fires one hour before the time for opening school when requisite, but it is not the duty of teachers to do this work.

The School Year.

147. All schools shall be closed from the 1st July to the 15th August each year; but any school board may with the approval of the Superintendent, open one or more of its schools during this period when the circumstances of the school render it necessary.

148. The schools of a municipality shall open each year after the 15th of August, and not later than the first Monday in September as may be determined by resolution of the school board of the municipality.

149. The schools of each municipality shall continue in session each day, except the holidays hereinafter provided, from the date appointed for the opening until the close of the school session. In school municipalities where the school session is less than ten months the school boards may provide by resolution for closing the schools during the breaking up of the roads.

150. The holidays for the Protestant Schools of the Province shall be as follows:

Every Saturday and Sunday; From 24th December to 2nd January inclusive; Good Friday; The Queen's Birthday; Dominion Day; and such days as are pro-

claimed by authority or granted by resolution of the school board of the municipality or by the Superintendent of Public Instruction.

School Hours.

151. The school hours shall be from nine o'clock in the forenoon till four o'clock in the afternoon, unless the school board by resolution prescribes a shorter period.

There shall be a recess of not less than ten minutes each forenoon and afternoon, and a recess of one hour at least shall be allowed for recreation during the middle of the school day.

Engagement of Teachers.

152. Each school board shall engage its teachers for the time, at least, that the schools are to be in operation during the school year, and not for any less period, except to replace a teacher retiring before the end of the school year.

153. Each school board shall appoint a day, and give due notice thereof, upon which they will meet and receive applications and engage teachers for all the schools of the municipality.

154. In the engagement of teachers the school board shall consider the special needs and circumstances of the several schools under its control and shall allot the teachers among these schools so as best to promote the interests of the whole municipality.

155. No school board shall require or permit any teacher under its control to "board around" among the inhabitants of the district.

156. The teacher's engagements for Protestant schools shall be made in accordance with Form No. 4

157. Whenever the average attendance of an elementary school exceeds fifty a second teacher shall be engaged for that school by the school board.

Religious Instruction.

158. Religious Instruction shall be given in all public schools, but no person shall require any pupil in any public school to read or study in or from any religious book, or to join any exercise of devotion or religion, objected to in writing by his or her parents or guardians.

159. Every Protestant school shall be opened each day with the reading of a portion of the Holy Scriptures followed by the Lord's Prayer.

160. In all grades of Protestant Schools the first half hour of each day shall be devoted to the opening exercises, (prescribed by the preceding Regulation,) instruction in morals, and Scripture History. The Holy Scriptures and the authorized text-books shall be used for this purpose. No denominational teaching shall be given in such schools.

Authorized Text-Books and Forms.

161. Each school board shall select from the authorized books a list of text-books for use in the municipality, naming one book, or one graded set of books, in each subject of the course of study, and shall insist upon their use in the schools of the municipality to the exclusion of all others. A copy of this list shall be placed in each school of the municipality. (An additional series of reading books may be selected for supplementary reading.)

162. School boards shall provide and use the authorized forms of teachers' engagements, account-books, school journal and school visitors' register in their municipalities.

*Secretary-treasurer's expenses, as provided by 2112,
- R. S. Q.*

163. The secretary-treasurer shall be provided by the school commissioners or trustees with a suitable minute-book, account-books, and other stationery required for their work.

164. The school commissioners and trustees shall, if possible, hold their meetings in the most central school of the municipality, and if they hold their meetings at any other place, they shall not pay rent therefor without the permission of the Superintendent.

165 When a secretary-treasurer travels upon business of the school corporation he shall be paid his just travelling expenses; but any indemnity which may have been accorded him by a court of justice or by any legislative or municipal body for the same journey shall be deducted from his expenses.

166. A secretary-treasurer shall only be considered to travel upon business of the corporation when he is specially authorized to do so by a resolution adopted at a regular meeting of the school corporation stating the object of the journey, or, if there is not time for a meeting, upon an order signed by the chairman or in his absence by two members of the school corporation.

167 In the cities, towns and municipalities, of which the population amounted at the taking of the last census, to more than three thousand souls, or of which the extent is more than nine miles in length, there shall be allowed a certain sum for taking the census of the children, upon a requisition to that effect addressed by the commissioners or trustees to the Superintendent and approved by the school inspector.

168 Every sum allowed to the secretary-treasurer, or otherwise paid out in accordance with the preceding regulations, shall be paid out of the funds of the school

municipality and shall be accounted for in the ordinary manner.

Poor Municipalities

169. Those school municipalities only, whose annual share of the government grant is less than two hundred dollars, are eligible for a grant from the Poor Municipalities Fund.

170. Municipalities, desiring to obtain a grant from the Poor Municipalities Fund, must make application to that effect to the Superintendent on or before the 1st September each year.

171. This application must be accompanied by a certificate from the school inspector stating (1) that the school law and regulations have been faithfully carried out in the municipality; (2) that the teachers are competent; (3) that there are no arrears due by solvent persons; (4) that the municipality is poor and cannot contribute more than it does for school purposes.

172. School municipalities that have failed to comply with the instructions of the Superintendent shall receive no share of the Poor Municipalities Fund.

VI.

CONCERNING TEACHERS.

173. When two or more teachers are employed in a school one shall be the head teacher. The head teacher shall be responsible for the organization, classification, and discipline of the whole school, and shall prescribe, (with the concurrence of the school board), the duties of the assistant-teachers.

174. Teachers shall not absent themselves from school nor close their schools on regular school days without permission from the school board or the chairman thereof, unless in case of sickness or other unavoidable cause, in which case the absence shall be immediately reported to the school board.

175. It is the duty of a teacher in a public school :

1. To see that the schoolhouse is ready for the reception of the pupils at least fifteen minutes before the time prescribed for opening the school in the morning, and five minutes before the time for opening in afternoon ;

2. To give vigilant attention to the ventilation and temperature of the school rooms, and to determine the temperature by a thermometer. At each recess the windows and doors shall be opened for the purpose of changing the atmosphere of the room ;

3. To give strict attention to the proper cleanliness of the schoolhouse and outbuildings, to make and enforce such rules as will ensure the keeping of the school grounds and outbuildings in a neat and cleanly condition, and to inspect these at least once each day ;

4. To see that no damage is done to the furniture, fences, outbuildings, or other school property, and to give notice in writing to the school board of any such damage and also of any necessary repairs ;

5. To see that the schoolhouse and outbuildings are locked at all proper times, and when not locked to see that they are under the charge of a teacher, or of a monitor for whose faithfulness the teacher shall be responsible, (or of a caretaker after school hours ;)

6. To classify the pupils strictly according to the authorized course of study ;

7. To require each pupil to do thoroughly the work prescribed for one grade before promoting him to the next higher grade. Pupils who have fallen behind in the work of their grade shall be placed in the next lower grade ;

8. To prepare and keep in a conspicuous place in the school room, for the guidance of teacher and pupils, a time-table showing the order of exercises for each class for each day in the week, and the time devoted to each exercise per day ;

9. Not to require nor permit any pupil to use as a school text-book any book not included in the list of text-books prescribed for the use of pupils in the municipality ;

10. To open the school each morning with reading a portion of the Holy Scriptures, followed by the Lord's Prayer ;

11. To furnish the pupils with constant employment during school hours, and to endeavor by judicious and diversified methods to render the exercises of the school pleasant as well as profitable ;

12. To make special preparation beforehand for each day's work with the several classes ;

13. To teach diligently and faithfully all the subjects of the authorized course of study ;

14. To explain each new lesson assigned, pointing out the difficult parts, that every pupil may know what he is expected to do for the next recitation and how it is to be done ;

15. To give his undivided attention to the school work, and not to engage in any private business or work on the school premises during school hours;
16. To use such methods to secure discipline as may be adopted by a kind, firm and judicious parent in his family, avoiding corporal punishment, except when it shall appear to be imperatively necessary, and then a record of the offence and the punishment shall be made in the school journal. All degrading and unusual punishments shall be avoided. Teachers are specially warned not to inflict any blow with the hand or otherwise upon the head of a pupil;
17. To read to the pupils, from time to time, the school regulations that apply to them, that they may have a clear understanding of the rules by which they are governed;
18. To preserve a careful oversight of the conduct and habits of the pupils during school hours;
19. To keep, in the prescribed form, a journal of the daily attendance, and to enquire into causes of tardiness and absence;
20. To keep the visitors' register, and to allow visitors free access to the same;
21. To make up all returns required by the superintendent, the inspector and the school board, as far as the information required can be supplied;
22. To carry out the suggestions of the inspector to the best of his ability;
23. To preserve for reference the educational journal and other works, &c., furnished to the school, and on retiring from the school to leave them in order for his successor;
24. To endeavor to improve his professional status by attending the teachers' meetings held in the county, and, if possible, the annual Teachers' Institute, and by professional reading.

VIL

CONCERNING PUPILS.

176. It is the duty of every pupil to attend school punctually and regularly, to follow the authorized course of study, to conform to the regulations of the school, to obey promptly all the directions of the teacher, to be diligent in study, respectful to teachers, kind and obliging to schoolmates, clean and neat in habits, person and clothing, and to refrain entirely from the use of profane and vulgar language.

177. No pupil who is affected with, or exposed to, any contagious disease shall be permitted to attend school until he produces medical or other satisfactory evidence that all danger from his mingling with the other pupils, or from his exposure to the disease, has passed away.

178. Pupils are required to procure the text-books and other school requisites indicated by the course of study for the class to which they belong.

179. The school board may provide and lend to indigent pupils, with due precautions for their proper preservation, text-books and other school requisites.

180. In all cases of absence pupils are required to furnish from their parents or guardians on returning to school sufficient reasons for such absence.

181. No pupil shall be permitted to leave at any time before the regular hour for closing his class, except in case of sickness or on a written or personal request of his parent or guardian.

182. Each pupil is required to be present at each inspection and examination of his school or department, or to present a satisfactory excuse for absence.

183. Each pupil shall have a particular desk, and

shall keep the same and the floor beneath it in a neat and orderly condition.

184. Pupils of one district shall not attend the school of another district unless by special permission of the school board.

185. When the school board establishes more than one department or school in a district, all the pupils shall be classified according to their attainments and shall attend such department therein as they shall be found qualified for, as determined by proper examination.

186. Pupils shall be responsible to the teacher for their conduct on the school premises and also when going to, or returning from, school unless they are accompanied by their parents or guardians.

187. Any school property or furniture, injured or destroyed by a pupil, must be made good forthwith by the parent or guardian.

188. When the ordinary discipline of the school fails to secure becoming conduct in a pupil, the teacher shall notify the parents of the fact. If no improvement takes place, the teacher may then suspend him from the school for a period not exceeding five school days. If the suspension be for refusal to do some definite act that may rightfully be demanded, it may be extended until the offender returns and does that which he had refused to do.

189. Whenever any teacher suspends a pupil, he shall at once notify the parents or guardians in writing stating the length of time for which the pupil is suspended and the reasons for such suspension.

190. When it becomes evident that the conduct of a pupil is such as to endanger the morals of his companions, or the authority of the teacher and the ordinary modes of discipline fail to secure amendment, the head teacher may report the pupil to the school board

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for expulsion, and may suspend the pupil pending the decision of the school board.

191. Any pupil expelled from school by the school board shall not be re-admitted to any school in the municipality without the written consent of the school board; but any pupil expelled from school who shall express to the teacher his regret for his conduct as openly and explicitly as the case may require may, with the approval of the teacher and the school board, be re-admitted to the school.

VIII.

CONCERNING APPEALS TO THE PROTESTANT COMMITTEE FROM THE DECISIONS OF THE SUPERINTENDENT.

192. Any person who desires to appeal to the Protestant Committee from the decision of the Superintendent shall do so by petition and in conformity with the following provisions:

1. The petition addressed to the Protestant Committee of the Council of Public Instruction shall be forwarded to the secretary of the committee by registered letter or it shall be served on him by a bailiff;

2. This petition shall state the grounds or reasons of the appeal and no others will be taken into consideration by the committee;

3. The persons interested shall appear before the committee or a sub-committee, personally (or by their attorney if they desire), otherwise the committee will proceed against them by default;

4. The superintendent shall submit to the committee all the documents in his possession relative to said appeal, and no other document concerning matters or

facts which may have happened since the judgment which is appealed against, was rendered, shall be produced before the committee;

5. The Superintendent, if he desires to do so, shall give to the committee explanations concerning the question or questions which form the subject of the appeal, in the presence of the persons interested;

6. The appeal shall be made within fifteen days from the day in which the judgment of the Superintendent is communicated or transmitted to the representatives of both appellants and respondents;

7. No petition in appeal will be received by the committee unless accompanied with a deposit of four dollars to pay for copying documents required for the appeal.

IX.

CONCERNING TEXT-BOOKS SUBMITTED FOR AUTHORIZATION.

193. Persons desiring to submit a text-book to the Protestant Committee for authorization shall forward one dozen copies of the book to the Superintendent for examination, stating the retail price and the price per dozen.

194. A sample copy of every edition of every book authorized by the Protestant Committee shall be deposited in the Department of Public Instruction by the publisher, and no edition of any book shall be considered as approved without a certificate to that effect from the Superintendent of Public Instruction, which certificate may be withdrawn at any time at the request of the committee.

195. Every authorized book shall bear the imprint of the publisher, and shall show upon the cover or title page the authorized retail price, and no part of the book shall be used for advertising purposes, without the written consent of the Superintendent of Public Instruction.

196. No alterations in contents, typography, binding, paper, or any other material respects, shall, in any case, be made without the approval of the Protestant Committee.

197. Any books recommended as aids to teachers for private reference or study, shall not be used as text-books by the pupils.

FORM No. 1.

Form of Certificate of Moral Character.

"This is to certify that I, the undersigned, have personally known and had opportunity of observing

. for the last past; that during all such time *his* life and conduct have been without reproach; and I affirm that I believe *him* to be an upright, conscientious and strictly sober man."

(This certificate must be signed by the Minister of the congregation to which the candidate belongs and by two school commissioners or trustees or school visitors.)

§ FORM No. 2.

Canada. } Protestant Committee of the
Province of Quebec. } Council of Public Instruction.

We hereby certify that
a native of aged
residing at and professing the
Protestant faith, has produced the requisite certificates,
passed the examinations, and fulfilled the conditions
prescribed by the School Law and Regulations for
Candidates for the position of Inspector of Protestant
Schools to the satisfaction of the Protestant Committee.

We further certify that a class certificate has been
granted to him and that he is, therefore, eligible for appointment
as Inspector of Protestant Schools in the Province of Quebec.

In witness whereof, by order of the Protestant Committee of
the Council of Public Instruction, we have hereunto affixed our
hands the day of in the year 189

..... Chairman.

..... Secretary.

§ FORM No. 3.

To the Secretary,

Protestant Central Board of Examiners, Quebec.

SIR,

I, (*name in full*) residing at
(*Post Office.*) county of professing the
..... Faith, have the honor to inform you that
I intend to present myself at for the
examination for diploma in July next.

I enclose herewith :—

1. A certificate that I was born at county of
..... on the day of the month
of 189

2. A certificate of moral character according to the
authorized form.

3. The sum of dollars for examination fees.

(*Signature in full.*)

FORM No. 4.

Canada,
Province of Quebec. } Municipality of

On the day of the month in the year
18 , it is mutually agreed and stipulated between the
school of the municipality of
in the county of , represented by
their chairman under a resolution of the said
passed on the day of 18 , and
teacher holding a diploma for the Province of
Quebec and residing at as follows:—

The said teacher hereby makes an engagement with
the said school for term of year from the
day of 18 to the day of
18 (unless the diploma of the said teacher be with-
drawn, or any other legal impediment arise) to teach
the school in district No. , according
to the school law and regulations, every day during
said term except on holidays prescribed by the Regu-
lations for Protestant Schools.

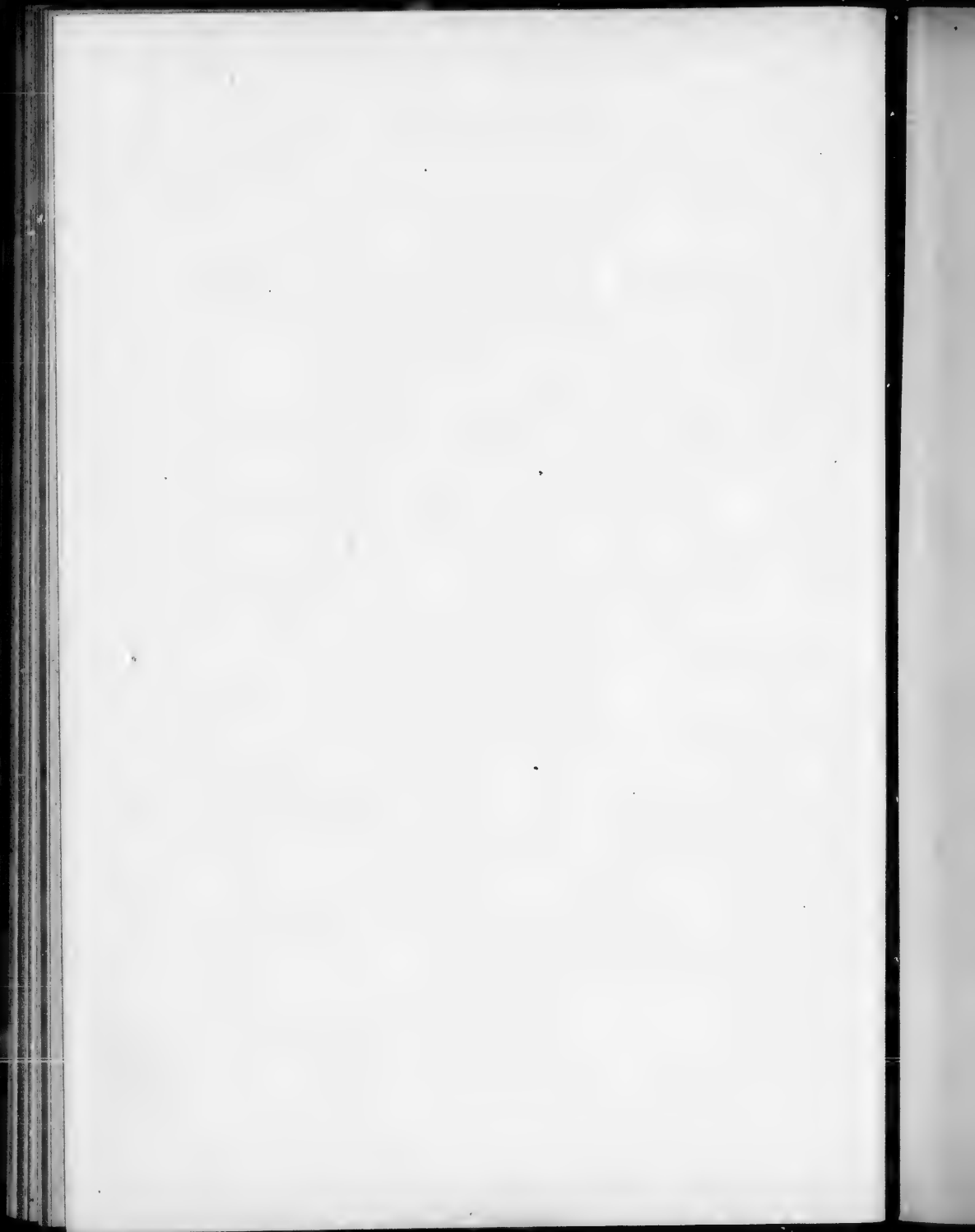
The said agree to pay to the said teacher
the sum of for the said school year, payable
 in current money and not otherwise, and
neither the secretary-treasurer nor any person shall
alter this method of payment.

Done at the day and date first above men-
tioned, and the parties have signed after hearing the
same read.

Chairman of the School

Teacher

(full.)





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